

Table of Contents

Agenda	2
June 16, 2026	
DRAFT June 16, 2016 Planning Commission Minutes	5
SUB2016-00011	
Kansas Hydrographics -MAPC STAFF RPT -SUB2016 11	48
SUB2016-00018	
Fossil Rim Commercial -MAPC STAFF RPT -SUB2016 18	51
VAC2016-00028	
VAC2016 28 -MAPC STAFF RPT.	55
VAC2016-00029	
VAC2016 29 -MAPC STAFF RPT.	58
ZON2016-00032	
ZON2016-00032 Staff Report.	61
ZON2016-00033	
ZON2016-00033 Staff Report.	64
CON2015-00029	
CON2015-00029 Staff Report and Site Plan	67
CON2016-00018	
CON2016-00018 Staff Report and Site Plan	75
CON2016-00026	
CON2016-00026 Staff Report and Site Plan	80
CON2016-00029	
CON2016-00029 Staff Report and Site Planpdf.	85
CON2016-00036	
CON2016-00036 Staff Report and Site Plan	90
CON2016-00037	
CON2016-00037 Staff Report and Site Plan	95
CON2016-00038	
CON2016-00038 Staff Report and Site Plan	100
CUP2016-00024 (DEFERRED)	
CUP2016-00024 Deferral Sheet	106

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, August 4, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, August 4, 2016**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10th Floor, 455 N. Main Street, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

1. Approval of the prior MAPC meeting minutes:

Meeting Date: June 16, 2026

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

Items may be taken in one motion unless there are questions or comments.

SUBDIVISION CASE DETAILS

- 2-1. **SUB2016-00011: One-Step Final Plat – KANSAS HYDROGRAPHICS ADDITION**,
located on the north side of East 47th Street South, west of South Woodlawn Boulevard.

Committee Action: APPROVED 6-0
Surveyor: Ruggles & Bohm, P.A.
Acreage: 4.51
Total Lots: 1

- 2-2. **SUB2016-00018: One-Step Final Plat – FOSSIL RIM COMMERCIAL ADDITION**,
located on the southeast corner of 29th Street North and Tyler Road.

Committee Action: APPROVED 6-0
Surveyor: Baughman Company, P.A.
Acreage: 6.48
Total Lots: 4

3. **PUBLIC HEARING – VACATION ITEMS**

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

Items may be taken in one motion unless there are questions or comments.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department – 10th Floor, City Hall, 455 N. Main Street, Wichita, Kansas

- 3-1. **VAC2016-00028: City request to vacate portion of a platted setback on property**,
generally located northwest of 55th Street South and Broadway Avenue.

Committee Action: APPROVED 6-0

- 3-2. **VAC2016-00029: City request to vacate a platted utility easement on property**,
generally located north of 37th Street North on the west side of Ridge Road.

Committee Action: APPROVED 6-0

3-3. VAC2016-00030: City request to vacate a portion of a platted alley, generally located north of Pawnee Avenue on the west side of Hillside Avenue.

Committee Action: DEFERRED

3-4. VAC2016-00031: City request to vacate a portion of a platted alley, generally located south of Douglas Avenue on the east side of Poplar Street.

Committee Action: DEFERRED UNTIL 8.25.16

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

- 4.** Case No.: ZON2016-00032
Request: City zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential for 13 lots on Victoria Street.
General Location: Northwest of the intersection of East 55th Street South and South Hydraulic Avenue.
Presenting Planner: Kathy Morgan
- 5.** Case No.: ZON2016-00033
Request: City zone change on 23.2 acres from SF-5 Single-family Residential to TF-3 Two-family Residential.
General Location: On the north side of West Central Avenue, approximately 1/2 mile west of 119th Street West.
Presenting Planner: Kathy Morgan
- 6.** Case No.: CON2015-00029
Request: City Conditional Use request for a Tavern and Drinking Establishment and Entertainment Establishment and Nightclub in the City within 300 feet of residential zoning on property zoned LC Limited Commercial.
General Location: South of East 43rd Street South, on the west side of South Broadway Avenue (4423 S. Broadway Ave.- BC's Bar and Grill).
Presenting Planner: Bill Longnecker
- 7.** Case No.: CON2016-00018
Request: City Conditional Use request to permit a Tavern and Drinking Establishment and an Entertainment Establishment and Nightclub in the City within 300 feet of residential zoning on property zoned LC Limited Commercial.
General Location: South of Kellogg and west of Seneca Street (801 S. Seneca St. - Whiskey Dicks Bar and Grill).
Presenting Planner: Bill Longnecker
- 8.** Case No.: CON2016-00026
Request: City Conditional Use request to permit a Tavern and Drinking Establishment and an Entertainment Establishment and Nightclub in the City within 300 feet of residential zoning on property zoned LC Limited Commercial zoned property.

- General Location: On the southwest corner of West Douglas and South Athenian Avenues (2201 W. Douglas Ave.).
Presenting Planner: Bill Longnecker
- 9.** Case No.: CON2016-00029
Request: City Conditional Use request for an Accessory Apartment in SF-5 Single-family Residential zoning.
General Location: South of west Maple Street and east of 151st Street West (301 S. Country View Ln.).
Presenting Planner: Bill Longnecker
- 10.** Case No.: CON2016-00036
Request: County Conditional Use request to allow a Bed and Breakfast in the RR Rural Residential zoning district.
General Location: South of 95th Street South and Greenwich Road (9400 S. Greenwich Rd.).
Presenting Planner: Kathy Morgan
- 11.** Case No.: CON2016-00037
Request: County Conditional Use request for an Accessory Apartment in SF-20 Single-family Residential zoning.
General Location: Along the west side of North Ridge Road, midway between West 45th Street North and West 53rd Street North (4917 N. Ridge Rd.).
Presenting Planner: Kathy Morgan
- 12.** Case No.: CON2016-00038
Request: City Conditional Use for Group Residence Limited in SF-5 Single-family Residential zoning.
General Location: North of 29th Street North and west of Arkansas at the southeast corner of 31st Street North and Hood Street (1055 W. 31st St. N.).
Presenting Planner: Bill Longnecker
- 13.** Case No.: CUP2016-00024 (**DEFERRED**)
Request: City CUP major amendment to DP-332 to expand the CUP land area and amend signage regulations.
General Location: At the northeast corner of Kellogg and West Street (608 24 S. West St.).
Presenting Planner: Scott Knebel

NON-PUBLIC HEARING ITEMS

14. Other Matters/Adjournment

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan Area Planning Commission

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

Minutes

June 16, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, June 16, 2016 at 1:44 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Carol Neugent, Chair; John Dailey; David Foster; Joe Johnson; John McKay Jr.; Debra Miller Stevens; Lowell Richardson and John Todd. Members absent were: David Dennis; Bob Dool; Bill Ellison; Matt Goolsby; Bill Ramsey and Chuck Warren. Staff members present were: Dave Barber, Acting Director; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Jess McNeely, Senior Planner; Derrick Slocum, Administrative Supervisor; Jeff Vanzandt, Assistant City Attorney; Justin Waggoner, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the May 5, 2016 Planning Commission Minutes.

MOTION: To approve the May 5, 2016 Planning Commission minutes.

RICHARDSON moved, **JOHNSON** seconded the motion, and it carried (7-0-1).
MCKAY – Abstained.

-
2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**
2-1. INFORMATIONAL ITEM: Amendments to Landscape Code.

On June 9, 2016, amendments to the landscaping code were presented to the Subdivision Regulation Committee.

Below is a summary of the comments and recommendations made by the Committee:

1. Addition of language in header: “**An Ordinance** creating”;
2. Revision of the title of Kansas Urban Forestry Council’s publication to: “Kansas Forest Services” publication titled “Preferred Tree Species for South Central Kansas”;
3. The addition of language to Section 28.06.040(2) regarding tree spacing. The trees **should** be generally evenly spaced, **but located to achieve maximum screening benefit.**”
4. Suggested clarification of “right of way’ vs. “right-of-way”;
5. Addition of language to Section 28.06.050(5) to included lawn, turf and grasses to be used in connection with berms;
6. Suggested deletion of Section 28.06.070C regarding Siberian Elms;

7. Suggested additional language to Section 28.06.070N: **In addition to required shrubs and trees, a landscape plan may not provide for more than eighty-five (85) percent buffalo grass;**
8. Suggested to reference more recent version of American National Standards Institute publication in Section 28.06.070O;
9. Addition of language to Section 28.06.090A that written permission of adjacent property owner could be given for either existing screening or to allow permission for screening to be planted on adjacent property;
10. Addition of language to Section 28.06.090F that if items are deleted from the proposed landscape plan, that an addendum must include an equal percentage of landscaping items deleted.
11. A discussion occurred regarding the process for obtaining compliance to the code, whether periodic inspections should occur after building is completed and process for release of letter of credit. MABCD will be contacted by staff to provide clarification of these requirements at the MAPC meeting.
12. A discussion occurred regarding the appropriate penalty to be assessed, including whether the fine should be raised and if jail time was necessary.

SHARON DICKGRAFE, DEPUTY ASSISTANT CITY ATTORNEY reported that at the last Subdivision Meeting the Committee recommended amendments to the Landscape Code. She said the Code was changed several months ago, however, some unintended consequences needed to be addressed. She referred the Commission to a draft of the revised Code with input from the Subdivision Committee. She referred to her Memorandum dated June 9, 2016, that briefly outlined the recommended changes.

DICKGRAFE said the most discussed issues were how a Certificate of Occupancy (COO) is issued if the landscape has not been completed. She said MABCD staff reports that a COO is usually not issued until the landscape is completed; however, if staff has assurances that landscaping will be completed they can issue the COO. She said another issue discussed was continued enforcement once a business was open. She commented that enforcement was a staffing and policy decision.

DICKGRAFE reported that there was also substantial discussion regarding Section 13 which are the penalties involved in not complying with the Code. She said non-compliance is a criminal offense and there was discussion as to whether violation of the Code should be a "fine only" offense and whether a fine of \$500.00 was sufficient. She explained that generally the Court reviews a citation that was issued and can assess a fine up to \$500.00 or put a person on probation.

DAILEY referenced #3 regarding location of trees and said the Subdivision Committee decided that the trees do not have to be spaced exactly so many feet apart, that it could be decided on a case-by-case basis.

RICHARDSON referenced fines and indicated that the Committee found out there is a \$500.00 fine per day someone is not in compliance; however, the location needs to be inspected each day and a citation issued. For example, he said if someone is out of compliance 30 days and they've only been cited once it is a \$500.00 fine, the fine is not cumulative.

FOSTER clarified that the maximum fine is up to \$2,500 total.

DICKGRAFE said under the current Ordinance the fine is \$500.00 per day. She said the maximum fine is \$2,500 per occurrence.

JOHNSON commented that this sounds like it could be a great revenue enhancement for the City.

DICKGRAFE commented that it is much more complicated than that because an individual has to be found guilty in court and the judge has to assess the reasonableness of the fine.

TODD asked how many people have been convicted of criminal action or spent time in jail as a result of the Ordinance.

DICKGRAFE said she is not aware of any recent violations of the Code provisions or that anyone has gone to jail. She said in the last 20 years, less than 20 people have been sentenced to jail as a result of violation of either a zoning or housing provision. She said usually the sentence is a couple of days to get their attention.

DAILEY commented that Section 15 regarding MAPC review has been put back into the Ordinance.

DICKGRAFE explained that the provision was included in Title 10 which is generally a streets/sidewalks maintenance Code administered by Public Works. She said the Landscape Code has been moved to Title 28 in the Zoning Code and is only applicable to City properties. She said future revision will be evaluated by Zoning Staff with the assistance of Public Works Staff instead of the other way around.

RICHARDSON commented that if landscape is required to help mediate problems with neighbors on a zoning case, it appears that no one is working to see that it continues to be taken care of. He said the Committee has concerns regarding enforcement.

FOSTER noted typographic errors in the Ordinance and clarified language on Item #5. He also noted that back in the 1990's when the Ordinance was originally developed a lot of folks were involved in that effort and one of the purposes was beautification of the City. He suggested that the City Council take a look at how to enforce this because these landscapes are important and there is a reason for them.

TODD commented that over time everything ages and deteriorates. He said having this requirement in an older neighborhood seems a bit much for him. He said he does not support the revision with the language about jail time. He said he doesn't know how you can maintain landscaping in some areas in perpetuity. He said this Ordinance is a tool that could be abused.

CHAIR NEUGENT asked legal counsel to explain the process on the proposed revisions.

DICKGRAFE explained that the Subdivision Committee's comments will be forwarded to City Council along with other amendments to Title 10 for public hearing, review and action; and, if the proposed amendments are approved, they will be published in the newspaper.

MILLER STEVENS asked if there was a process for citizens to appeal the Landscape Code. She mentioned a situation where a tree was obstructing someone's business.

DICKGRAFE referenced Section 14 and said it is her interpretation that someone may file an appeal to the Board of Zoning Appeals.

FOSTER commented that he thought making a landscape violation a jail offense is pushing it a little bit; however, he said he would rely on legal to determine if that kind of teeth needs to be in something like this. He said as far as maintaining a landscape, there is a discussion going on in landscape architecture that landscape is a part of infrastructure. He said landscape is put in place for a zoning purpose; therefore, it is part of the infrastructure development for that particular project. He said he equates it to the requirement to screen trash.

TODD commented said it looks like if someone can't pay the fine they will be put in debtor's prison.

DICKGRAFE responded no, jail time will not be used as enforcement for non-payment of fines. She said if fines are not paid, generally they are sent to a collection agency. She said she interprets the reference to jail time as allowing the court the ability to put a person on probation as an incentive to bring the property into compliance. She said she would let staff know when the item was going to City Council.

2-2. SUB2016-00016: Final Plat – NORTHGATE 2ND ADDITION, located north of 53rd Street North on the west side of Meridian.

NOTE: This is a replat of a portion of the Northgate Addition and the Northgate Commercial 2nd Addition. The applicant requests a zone change (ZON2016-00019) from Single-Family Residential (SF-5) and Limited Commercial (LC) to Two-Family Residential (TF-3). The east portion of the site is subject to the Northgate Commercial Park Community Unit Plan (DP-299) and the applicant proposes a CUP Amendment to remove these parcels from the CUP.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the extension of water (distribution) to serve all lots and the extension of sewer (laterals) to serve all lots. Transmission in-lieu-of-assessments are due.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- C. City Stormwater Management advises the drainage plan is approved.

- D. The plat denotes one street opening along Meridian and one temporary and emergency access. The plat's text states that upon the paving of 55th Street North to Edward Circle, the temporary access will be converted to an emergency access.
- E. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- F. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- G. The applicant shall guarantee the paving of the proposed street. In accordance with the Subdivision Regulations, the cul-de-sac must meet the minimum 35-foot paved radius requirement.
- H. The paving guarantee shall include the construction of a paved roadway surface for the emergency access easement. The emergency access easement shall be established by separate instrument. The text of the instrument shall indicate the type of driving surface to be installed and address installation and maintenance. Standard gating and signing are required per City Fire Department standards.
- I. Reserve C includes the use of pedestrian access. The paving guarantee shall include the construction of sidewalks within Reserve C and along the plat's frontage along Meridian.
- J. The applicant has platted a 20-foot front setback for Lots 18 and 19 which represents an adjustment of the Zoning Code standard of 25 feet for the Two-Family Residential (TF-3) District. The applicant has platted a 15-foot rear setback for all of the lots which represents an adjustment of the Zoning Code standard of 20 feet for the Two-Family Residential (TF-3) District. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- K. GIS has approved the street names.
- L. County Surveying requests a bearing added along the north line of Lot 2.
- M. County Surveying advises the drainage easement along the west line of the plat needs extended to the north line of Reserve B.
- N. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.

- O. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- P. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- R. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- S. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.
- X. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- Y. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MILLER STEVENS moved, MCKAY seconded the motion, and it carried (8-0).

3. PUBLIC HEARING – VACATION ITEMS

There were no Vacation items.

PUBLIC HEARINGS

4. **Case No.: ZON2016-00019 and CUP2016-00021** – R & R Realty, LLC. Attn: Jay Russell (owner/applicant) and Baughman Co., P.A., Attn: Russ Ewy request a City zone change from SF-5 Single-family Residential and LC Limited Commercial to TF-3 Two-family Residential and City CUP Amendment to DP-299 to remove Parcels 13, 14 and 15 from the CUP for residential development on property described as:

Lots 1 through 10, Block B, Northgate Addition, Wichita, Sedgwick County, Kansas.

TOGETHER WITH

Lots 1 through 3, Block A, Northgate Commercial 2nd Addition, Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant requests TF-3 Two-Family Residential (TF-3) zoning on 11.38 acres of platted, vacant property. The western portion of the application area is 10 SF-5 Single-family Residential (SF-5) zoned residential lots in the Northgate Addition. The eastern approximate two-thirds of the site is zoned LC Limited Commercial (LC) and is currently Parcels 13, 14 and 15 of DP-299, The Northgate Commercial Park Community Unit Plan (CUP). The applicant intends to develop the entire 11.38-acre site with duplex residential units, and therefore requests to rezone the property to TF-3 and remove the LC portion from DP-299. The platted, SF-5 zoned lots have access from West 55th Court North. The three LC zoned commercial lots are currently platted with one shared access point from North Meridian Avenue and access to West 55th Street North. A plat (SUB2016-16, Northgate 2nd Addition) is being considered by the Metropolitan Area Planning Commission (MAPC) on June 16, 2016. This plat will divide the property into 31 duplex lots.

North of the site is the SF-5 zoned Northgate Addition, the majority of which is undeveloped, and one single-family residence on six acres fronting North Meridian Avenue. South of the site is the remainder of the LC zoned DP-299 with retail use. East of the site, across Meridian, are SF-5 zoned single-family residences on half-acre to one-acre lots. West of the site is the SF-5 zoned, undeveloped Northgate Addition.

CASE HISTORY: The site is was platted as the Northgate Addition and the Northgate Commercial 2nd Addition in 2006 and 2008 respectively. DP-299 was rezoned to LC and approved in 2006.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Vacant, single-family residence
SOUTH:	LC	Retail
EAST:	SF-5	Single-family residences
WEST:	SF-5	Vacant

PUBLIC SERVICES: North Meridian is a paved, four-lane arterial street at this location. West 55th Street North is a dedicated but unimproved local street with a platted reserve median. All public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City Limits. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential and employment mixed," and surrounded by "new residential." The residential/employment mix encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight and odor. The *Locational Guidelines Development Pattern* section of the Comprehensive Plan recommends that higher density residential uses and neighborhood-serving retail and office uses should buffer lower-density residential uses from major commercial and employment centers and industrial uses.

RECOMMENDATION: Staff notes that the majority of the property in this application is requesting a downzoning. Based upon information available prior to the public hearings, planning staff recommends that the zone change request be **APPROVED**, and the amendment request to DP-299 be **APPROVED** subject to the following conditions:

- (1) Screening on Parcel 1 shall be constructed along the north property line of Parcel 1 adjacent to TF-3 zoning.
- (2) The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days of approval or the request shall be considered denied and closed.
- (3) If the Zoning Administrator finds that there is a violation of any of the conditions of the CUP amendment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the CUP amendment null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** North of the site is the SF-5 zoned Northgate Addition, the majority of which is undeveloped, and one single-family residence on six acres fronting North Meridian Avenue. South of the site is the remainder of the LC zoned DP-299 with retail use. East of the site, across Meridian, are SF-5 zoned single-family residences on half-acre to one-acre lots. West of the site is the SF-5 zoned, undeveloped Northgate Addition.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and LC within DP-299. The site could be developed as zoned for single-family residential and commercial uses. However, the property has not been developed since zoning and platting completion in 2008.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal; TF-3 zoning and duplexes are less intense than those uses permitted in LC zoning on the majority of the site.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City Limits. The Plan's 2035 *Wichita Future Growth Concept Map* identifies this location as "residential and employment mixed," and surrounded by "new residential." The residential/employment mix encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight and odor. The *Locational Guidelines Development Pattern* section of the Comprehensive Plan recommends that higher density residential uses and neighborhood-serving retail and office uses should buffer lower-density residential uses from major commercial and employment centers and industrial uses.
- (5) **Impact of the proposed development on community facilities:** All services are in place. Any increased demand on community facilities can be handled by existing infrastructure. The requested TF-3 zoning will generate less traffic than what could have been generated under the existing LC zoning.

JESS MCNEELY, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

TODD moved, DAILEY seconded the motion, and it carried (8-0).

5. **Case No.: ZON2016-00021** - City of Wichita, c/o John Philbrick (applicant/owner) and PEC, c/o Charles Brown (agent) request a City zone change from Limited Commercial and SF-5 Single-family Residential to IP Industrial Park on property described as:

The north 10.00 acres of the east 640 feet of the west 1140' of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas, lying south of the north 60 feet thereof.

BACKGROUND: The applicant is requesting IP Industrial Park (IP) zoning on the undeveloped 10-acre, mostly SF-5 Single-family Residential (SF-5) and LC Limited Commercial (LC) zoned tract located on the south side of West 21st Street North and east of North Hoover Road. The IP zoning will allow for the expansion of an existing IP zoned manufacturing facility/machine shop located directly north of the site, across 21st Street North. The existing IP zoned manufacturing facility is also the last non-residential zoned property located east of the Hoover Road – 21st Street North intersection, until 29th Street North and West Street.

The area is a mix of land uses located in both the County and the City of Wichita. The zoning in the area includes SF-20 Single-Family Residential (SF-20), SF-5, LC, OW Office-Warehouse (OW), GC General Commercial (GC), IP and LI Limited Industrial (LI). The area's zoning allows a wide range of uses (some noncompliant) including up-scale single-family subdivisions, a few isolated single-family residences, active and spent sand pits, farmland, a construction and demolition landfill with a temporary rock crusher, limited manufacturing, an auto body shop, and self-storage warehouses. The IP zoned Cox Machine manufacturing facility (built 2001, 2005 and 2009) is located north of the site across 21st Street, as are an IP zoned commercial strip building (built 2011) and self-storage warehouses (built 2009). Three SF-5 zoned single-family residences (a trailer and a stick frames built 1940 and 1957) and two SF-20 zoned sand pits are also located north of the site across 21st Street. Both of the sand pits are spent (CU-292, CU-16 and CU-24) but there has been recent subdivision and zoning activity on them. On March 10, 2016, SUB2016-00009 was presented to the Subdivision Committee (SD) as an expansion of the Emerald Bay up-scale single-family residential subdivision; no action was taken by the SD. The other sand pit had a Conditional Use (CON2016-00002) approved for a temporary rock crusher to clean up its current noncompliant use as a construction and demolition landfill and a wrecking and salvage yard. A LI zoned (ZON2000-00012, PO #72) auto body repair shop (built 2010) is located northwest of the site on the northeast corner of Hoover Road and 21st Street North. An OW zoned (SCZ-0764, PO Protective Overlay #39) self-service warehouse (built 1999, 2013 and 2014) abuts the west of the site and there is an active rail road track located west and adjacent to the site. A SF-5 zoned spent sand pit (CU-191) abuts the east and south sides of the site. This east abutting sand pit will be considered for a Conditional Use for a major utility/water treatment plant at the June 16, 2016, MAPC hearing; CON2016-00014. The Wichita-Valley Center Floodway and its levee are also located further south and east of the site.

CASE HISTORY: Conditional Use CU-191 was approved to allow sand extraction on the site on December 1, 1976. The property was zoned R-1 Suburban Residential in 1958, which was converted to SF-20 zoning in 1996. The site was annexed in the City between 1991 and 2000, after which the SF-20 zoning became SF-5.

ADJACENT ZONING AND LAND USE:

NORTH: LI, IP, SF-5, SF-20

SOUTH: SF-5, levee

EAST: SF-5, levee

WEST: OW, rail road, GC, LI

Auto body repair, manufacturing, self-service warehouse, commercial strip, single-family residences, spent sand pits
Spent sand pit, Wichita-Valley Floodway
Spent sand pit, derelict building, rubbish, Wichita-Valley Center Floodway
Self-service warehouse, active rail road tracks, boat and RV storage warehouse

PUBLIC SERVICES: The site has direct access onto 21st Street North. The site is located approximately 450 feet east of the Hoover Road – 21st Street North intersection. At this location both streets are paved two-lane local streets that function like collectors, providing quick access to the nearest paved four-lane arterial streets, Zoo Boulevard and another portion of 21st Street North or the paved two-lane arterial West Street. Public sewer is available to the site. Public water would have to be extended to the site, across 21st Street North. Portions of the east and south sides of the site are located in FEMA Flood Plain.

CONFORMANCE TO PLANS/POLICIES: The “Community Investment Plan’s” (Plan, adopted November 19, 2015) “2035 Wichita Future Growth Map” depicts the site as “new “residential.” The new residential category encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the residential category. Pockets of major Institutional and commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of industrial uses likely will be developed.

The site’s predominate SF-5 zoning is a match for the new residential category and restricts development pretty much to single-family residential development and certain institutional uses. The SF-5 zoning has more in common to some of the most recent development in the area, the still developing Emerald Bay single-family residential development, which is located approximately three-quarters of a mile northeast of the site. The site’s 100-foot wide by 560-foot long east strip may offer limited development opportunities because of its deep and narrow configuration.

The application is intended to allow the expansion of an existing IP zoned manufacturing facility that is located directly north of the site across 21st Street North. The existing IP zoned manufacturing facility is part of a relatively small group of recently (1999-2014) well built and maintained IP, LI, OW, GC and LC zoned businesses located on the four corners of the Hoover Road – 21st Street North arterial intersection. Several of these sites have POs that eliminate uses that would be permitted by the base zoning. Several of these sites abut an active rail road track.

The purpose of the IP Industrial Park District is to accommodate limited commercial services, research and development, administrative facilities and industrial and manufacturing uses that can meet high development and performance standards. The IP District is generally compatible with the "employment/industry center" designation of the Wichita-Sedgwick County Comprehensive Plan. The IP zoning district does not allow residential development. Moreover the IP zoning district does not allow by right or conditional use such businesses as drinking establishments, night clubs, pawn shops, second hand stores, basic industry, landfills, mining or quarrying, rock crushing, outdoor storage as a principle use, gas and/or fuel storage, vehicle storage yards, wrecking and salvage, sexual oriented businesses, service stations, general or limited vehicle repair, car sales, event centers, commercial or ancillary parking, nurseries, entertainment establishments, kennels, hotel or motels, nursing facilities, micro-breweries, recreational vehicle campgrounds, rodeos, and medical services. The proposed IP zoning can be compatible with the existing non-residential and residential zoning and development in the still developing area.

The “Locational Guidelines” of the Plan notes that industrial uses should be located in areas with good access to highways, rail lines, and airports. The site is located approximately 450 feet east of the Hoover Road – 21st Street North intersection. At this location both streets are paved two-lane local streets that function like collectors, providing quick access to the nearest paved four-lane arterial streets, Zoo Boulevard and another portion of 21st Street North or the paved two-lane arterial West Street. The Locational Guidelines also support expansion of existing uses to adjacent areas, which is the intent of the proposed zoning.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED. This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The area is a mix of land uses located in both the county and the City of Wichita. The zoning in the area includes SF-20 Single-Family Residential (SF-20), SF-5, LC, OW Office-Warehouse (OW), GC General Commercial (GC), IP and LI Limited Industrial (LI). The zoning allows a wide range of uses (some noncompliant) including up-scale single-family subdivisions, a few isolated single-family residences, active and spent sand pits, farmland, a construction and demolition landfill with a temporary rock crusher, limited manufacturing, an auto body shop, and self-storage warehouses.

The IP zoned Cox Machine manufacturing facility (built 2001, 2005 and 2009) is located north of the site across 21st Street, as are an IP zoned commercial strip building (built 2011) and self-storage warehouses (built 2009). Three SF-5 zoned single-family residences (a trailer and a stick frames built 1940 and 1957) and two SF-20 zoned sand pits are also located north of the site across 21st Street. Both of the sand pits are spent (CU-292, CU-16 and CU-24) but there has been recent subdivision and zoning activity on them. On March 10, 2016, SUB2016-00009 was presented to the Subdivision Committee (SD) as an expansion of the Emerald Bay up-scale single-family residential subdivision; no action was taken by the SD. The other sand pit had a Conditional Use (CON2016-00002) approved for a temporary rock crusher to clean up its current noncompliant use as a construction and demolition landfill and a wrecking and salvage yard. A LI zoned (ZON2000-00012, PO #72) auto body repair shop (built 2010) is located northwest of the site on the northeast corner of Hoover Road and 21st Street North. An OW zoned (SCZ-0764, PO Protective Overlay #39) self-service warehouse (built 1999, 2013 and 2014) abuts the west of the site, and there is an active rail road track located west and adjacent to the site. A SF-5 zoned spent sand pit (CU-191) abuts the east and south sides of the site. This east abutting sand pit will be considered for a Conditional Use for a major utility/water treatment plant at the June 16, 2016, MAPC hearing; CON2016-00014. The Wichita-Valley Center Floodway and its levee are also located further south and east of the site.

2. **The suitability of the subject property for the uses to which it has been restricted:** The undeveloped 10-acre site is zoned SF-5 with a narrow, deep strip (110 feet by 560 feet) of LC zoning on a portion of its east side. The SF-5 zoning which permits single-family residential development and some institutional uses, such as schools and churches, by right. The LC zoning allows residential development and multiple commercial development by right. However the LC zoned portion of the site may offer limited development opportunities because of its deep and narrow configuration. The site could be used as presently zoned.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** If approved the IP zoning would permit uses that are mostly confined to being conducted indoors, much like the current non-residential development in the area, which are, for the most part, well built and maintained.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “Community Investment Plan’s” (Plan adopted November 19, 2015) “2035 Wichita Future Growth Map” depicts the site as “new residential.” The new residential category encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the residential category. Pockets of major Institutional and commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of industrial uses likely will be developed.

The site’s predominate SF-5 zoning is a match for the new residential category and restricts development pretty much too single-family residential development. The SF-5 zoning has more in common to some of the most recent development in the area, the still developing Emerald Bay single-family residential development, which is located approximately three-quarters of a mile northeast of the site. The site’s 100-foot wide by 560-foot long east strip may offer limited development opportunities because of its deep and narrow configuration.

The application is intended to allow the expansion of an existing IP zoned manufacturing facility that is located directly north of the site across 21st Street North. The existing IP zoned manufacturing facility is part of a relatively small group of well built and maintained IP, LI, OW, GC and LC zoned businesses located on the four corners of the Hoover Road – 21st Street North arterial intersection. Several of these sites have POs that eliminate uses that would be permitted by the base zoning. Several of these sites abut an active rail road track.

The purpose of the IP Industrial Park District is to accommodate limited commercial services, research and development, administrative facilities and industrial and manufacturing uses that can meet high development and performance standards. The IP District is generally compatible with the "employment/industry center" designation of the Wichita-Sedgwick County Comprehensive Plan. The IP zoning district does not allow residential development. Moreover the IP zoning district does not allow by right or conditional use such businesses as drinking establishments, night clubs, pawn shops, second hand stores, basic industry, landfills, mining or quarrying, rock crushing, outdoor storage as a principle use, gas and/or fuel storage, vehicle storage yards, wrecking and salvage, sexual oriented businesses, service stations, general or limited vehicle repair, car sales, event centers, commercial or ancillary parking, nurseries, entertainment establishments, kennels, hotel or motels, nursing facilities, micro-breweries, recreational vehicle campgrounds, rodeos, and medical services. The proposed IP zoning can be compatible with the existing non-residential and residential zoning and development in the still developing area.

The “Locational Guidelines” of the Plan notes that industrial uses should be located in areas with good access to highways, rail lines, and airports. The site is located approximately 450 feet east

of the Hoover Road – 21st Street North intersection. At this location both streets are paved two-lane local streets that function like collectors, providing quick access to the nearest paved four-lane arterial streets, Zoo Boulevard and another portion of 21st Street North or the paved two-lane arterial West Street. The Locational Guidelines also support expansion of existing uses to adjacent areas, which is the intent of the proposed zoning.

5. **Impact of the proposed development on community facilities:** Traffic on 21st Street North, Hoover Road, Zoo Boulevard and West Street will increase due to the development of 10-acres of IP zone land. But, any development on the currently zoned SF-5 site will increase traffic. Further impact on community facilities will be determined at the time of platting.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

TODD moved, **DAILEY** seconded the motion, and it carried (8-0).

6. **Case No.: ZON2016-00022 and CON2016-00015** - Mark Sr., LLC c/o Donald Reddick (owner/applicant) and Ferris Consulting, c/o Greg Ferris (agent) request a City zone change from SF-5 Single family Residential and GC General Commercial to LI Limited Industrial and Conditional Use for Wrecking and Salvage on property described as:

The East 900 feet of the North 95.5 feet of the South 1066.85 feet of Government Lot 4 in Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

TOGETHER WITH

Part of the south 20 acres of Government Lot 4, Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning 1221.12 feet east and 65 feet north of the southwest corner of said Section 9, said easterly distance being measured at right angles with the south line of said Section 9; thence north at right angles with the south line of said Section 9, 586.09 feet; thence east parallel with the south line of said Section 9, 119.31 feet to the east line of said Government Lot 4, thence southerly along the east line of said Lot 4, 586.2 feet to a point 65 feet north of the south line of said Section 9, thence west 103.62 feet to beginning.

TOGETHER WITH

A tract of land in Lot 5 of the Fractional Southwest Quarter of Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the Southwest corner of said Lot 5; thence on a assumed bearing of N°18'13"E, 65.00 feet along the West line of said Lot 5 to the Northerly right of way line of MacArthur Road and the POINT OF BEGINNING; thence continuing N00°18'13"E, 1254.79 feet along said West line of said Lot 5 to the north line of said Lot 5; thence N88°55'43"E, 14.43 feet along said north line to the southerly line of the Floodway right-of-way; thence S23°59'48"E, 115.65 feet along said southerly line; thence on a curve of 1235.92 feet radius to the left, an arc distance of 480.89 feet along said southerly line with a chord which bears S35°08'28"E, 477.86 feet; thence

S33°32'44"W, 35.98 feet; thence S30°22'26"W, 200.00 feet; thence S24°59'49"W, 200.00 feet; thence S16°45'16"W, 200.00 feet; thence S12°32'56"W, 187.54 feet to said northerly right-of-way line of MacArthur Road; thence S89°38'00"W, 39.24 feet along said right of way line to the point of beginning.

BACKGROUND: The applicant is requesting a zone change from SF-5 Single-family Residential ("SF-5") and GC General Commercial ("GC") to LI Limited Industrial ("LI") and a Conditional Use to permit a wrecking/salvage yard on three unplatted tracts that total approximately 7.9-acres. The subject property is mostly vacant, with the northern tract developed with a car lot. The Unified Zoning Code (UZC) definition of a "wrecking and salvage yard" includes the proposed use: "...a lot, land, or structure used for the collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage materials, junk, or discarded materials; and/or for the sale of parts thereof. Typical uses include motor vehicle salvage yards and junkyards." The UZC, Art III, Sec III-D.6.e, requires a Conditional Use for a wrecking/salvage yard in the LI zoning district.

The surrounding area is developed with tire sales and outdoor tire storage, car sales, vehicle repair, vehicle body repair shops, vehicle towing and storage, vehicle wrecking and salvage yards, junk yards, a sexual oriented business, motels and retail. There are a couple residences on the SF-5 zoned properties along the north side of MacArthur, between South Broadway and I-135. The subject site backs up to the Arkansas River and a portion of I-135 right-of-way (ROW) on its east side. All of the properties in this area, located on the east side of Broadway and the north side of MacArthur, end at the river or property zoned either GC or LI. Properties located on the south side of MacArthur are zoned GC or LI and are not deep and are much smaller than the properties located on the north side of MacArthur.

CASE HISTORY: The site is not platted. Part of the site is developed with a car lot, but the majority of the site is vacant.

ADJACENT ZONING AND LAND USE:

NORTH:	GC, SF-5, LI	Vehicle storage and sales, vehicle auction, vehicle wrecking and salvage yards, motel
SOUTH:	GC, LI	Salvage yard
EAST:	SF-5	Arkansas River, I-135 ROW
WEST:	SF-5	Multi-family residences, self-storage

PUBLIC SERVICES: The subject property has direct access to MacArthur Avenue, a 4-lane arterial with a center turn lane in some locations. There are no CIP projects for this street. All utilities are available to the subject site.

CONFORMANCE TO PLANS/POLICIES: The “2035 Wichita Future Growth Concept Map” of the Community Investments Plan identifies this location as appropriate for “Industrial” development. The map identifies areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. Centers or concentrations of manufacturing, warehousing, distribution, construction, research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing or refinement of natural resources or recycling of waste materials typically are located along rail lines. Businesses with negative impacts associated with noise, hazardous emissions, visual blight, and odor typically are buffered from Residential Uses by Commercial Uses. There are a few auto storage yards and auto salvage yards in this area that are not in compliance with the current UZC, with some being in the area since at least 1997. The applicant’s Conditional Use application is in conformance with the new Future Growth Map and it would not introduce a new use to the area, change the character of the area, and would be similar to the applicant’s first site, which was approved for LI and GC zoning and a Conditional use for wrecking and salvage; adjacent ZON2009-00036 and CON2009-00040.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the requested LI Limited Industrial zoning with a Conditional Use for a wrecking and salvage yard be **APPROVED**, subject to waiving of Supplemental Use Regulation (Article III, Sec.D.6.e.) to allow the proposed use to abut an expressway and to require a 150 foot setback of the operation from an arterial street (East MacArthur Road) and the following conditions:

1. The Conditional Use shall authorize the operation of a vehicle wrecking and salvage yard, except for the south 150 feet of the site adjacent to East MacArthur Road. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.
2. The site shall be developed in accordance to an approved site plan, which shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use.
3. The subject property shall be entirely enclosed by a screening fence that is not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence. No wrecked vehicles or salvage, including vehicle parts or accessories, shall be permitted for screening purposes or located on or attached to the screening fence. The site shall be developed and operated in compliance with all the other conditions of UZC, Art II, Sec. II-B.14.q.
4. Screening along the east property line abutting the I-135 right-of-way shall be provided in the form of evergreen vegetation. The evergreen vegetation shall be planted and maintained in accordance with a landscape plan approved by the Planning Director and shall consist of plant materials that, at maturity, provide a solid hedge of evergreen vegetation with a minimum height of 30 feet.
5. The height of wrecked vehicles or salvage, including vehicle parts or accessories, shall not exceed the height of the screening fence and shall not be visible from ground-level view from any public right-of-way or adjoining properties.

6. Salvaged materials are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by Environmental Services to prevent rodent harborage and breeding. All stored, wrecked and salvaged vehicles and materials shall be on a surface approved by the Office of Central Inspection.
7. The applicant shall maintain at all times an active program for the eradication and control of rodents.
8. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.
9. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the wrecking/salvage yard shall be provided by fire lanes per the direction and approval of the Fire Department.
10. Employee parking spaces shall be provided per the UZC on an area paved with asphalt or concrete.
11. Access to the subject property shall be provided for on-going inspections of the site for soil and groundwater contaminants by Environmental Services and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by Environmental Services.
12. Notification shall be given to Environmental Services of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be placed on file with Environmental Services. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Services.
13. The applicant shall implement a drainage plan approved by the City Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and ground water.
14. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
15. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property north of the subject site is zoned GC, SF-5 and LI and is developed with a vehicle storage yard and wrecking and salvage yard. Property south of the site is zoned GC and LI and is developed with a salvage yard. Property to the east of the site is I-135 right-of-way and the Arkansas River. Property to the west of the site is zoned GC and LI and is developed with multi-family residences and a self-storage facility.
2. The suitability of the subject property for the uses to which it has been restricted: 90% of the site is currently undeveloped, except for the northern 10% zoned SF-5 and being used as a car lot, a use not in compliance with the zoning. The LI zoning would allow commercial and industrial uses that allowed outside display, such as a car sales lot, or all types of vehicle repair, motels or many other retail uses. The chance of single-family residences being built on the SF-5 zoned portion of the site is unlikely, given the almost industrial character of the area. A wrecking and salvage yard may be permitted with a Conditional Use in the LI zoning district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on nearby property should be minimized by the recommended conditions of approval, which include screening. Approval of the Conditional Use and its conditions will be one of a few other for the area's existing, non compliant auto wrecking and salvage yards and junk yards, and an extension of a currently operating wrecking and salvage operation.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The "2035 Wichita Future Growth Concept Map" of the Community Investments Plan identifies this location as appropriate for "Industrial" development. The map identifies areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. Centers or concentrations of manufacturing, warehousing, distribution, construction, research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing or refinement of natural resources or recycling of waste materials typically are located along rail lines. Businesses with negative impacts associated with noise, hazardous emissions, visual blight, and odor typically are buffered from Residential Uses by Commercial Uses. There are a few auto storage yards and auto salvage yards in this area that are not in compliance with the current UZC, with some being in the area since at least 1997. The applicant's Conditional Use application is in conformance with the new Future Growth Map and it would not introduce a new use to the area, change the character of the area, and would be similar to the applicant's first site, which was approved for LI and GC zoning and a Conditional use for wrecking and salvage; adjacent ZON2009-00036 and CON2009-00040.
5. Impact of the proposed development on community facilities: All utilities are available to the site. The use of this property should have limited impact on community facilities, with the possible exception of soil and groundwater contaminants.

DERRICK SLOCUM, Planning Staff presented the Staff Report. He noted that the application is not scheduled to go to DAB III until July 6, 2016. He said he has gotten several phone calls primarily from the residence that abuts the property to the west.

MCKAY asked for an explanation of the landscape along the highway since it is elevated at that point. He asked if staff is requesting large evergreen trees or normal size trees and just let them grow. He said it looks like staff is requiring screening with no guidelines.

SLOCUM referenced an evergreen buffer that was required as part of a PO on a property across the highway.

KNEBEL noted Item #4 of the Staff Report which makes a reference to 30 feet "at maturity".

MCKAY asked how far the house on the abutting property was from this.

SLOCUM referred to an aerial.

RICHARDSON asked how Staff came up with not rezoning the front 150 feet when the agent's letter said they will set the wrecking and salvage back 400 feet from MacArthur Road.

SLOCUM said technically wrecking and salvage is not supposed to be located along an arterial. He said staff felt comfortable recommending 150 feet fronting the arterial.

RICHARDSON noted several errors in the Staff Report including land use to the west (SF-5) and on Page 3 with regard to waiving Supplemental Use Regulations (Article III, Sec.D.6.e.). He also asked for clarification of Item #3 on Page 5.

SLOCUM commented that there are other businesses in the area doing wrecking and salvage in that have not gone through the proper process and are non-conforming uses. He said this client is trying to be compliant by going through this process.

RICHARDSON commented if staff is saying that is a reason do approve this application it is not very clearly written. He also asked about the request not to plat and how that fits in with the new platting policy.

SLOCUM said platting is not required until the applicant applies for a building permit. However, he added that the Planning Commission can request platting as one of the conditions of approval.

CHAIR NEUGENT clarified that the application for a building permit triggers platting, not a permit for construction of a fence.

SLOCUM said that is correct.

GREG FERRIS, FERRIS CONSULTING, AGENT FOR THE PROPERTY OWNERS said they concur with staff recommendations. He commented that the 400 feet gets beyond any of the residences so they will not be doing any wrecking and salvage beside residential property. He referred to the aerial and several pieces of property zoned SF-5 and GC and done with a conditional use. He said it just made sense to rezone the whole lot. He also referred to the section previously owned by the State of Kansas which the applicant bought and would like to bring it contiguous with their existing property. He mentioned an adjacent property zoned SF-5 but used as auto auction. He commented that the residential property is buffered with wrecking and salvage to the north and GC zoning to the west. He said if the south 400 feet is not zoned as a conditional use they cannot use it as wrecking and salvage so they don't have any problem with staff's recommendation of 150 feet.

FERRIS said they do believe the evergreen tree requirement is a little foolish. He said the highway is reconfigured different at this location and has no view line as opposed to across the highway which has a long view line. He said large (35' tall) trees exist along the location now and they would request that staff allow those trees to be included in any landscape buffer instead of tearing out existing trees and planting evergreens. He commented that the State already required them to remove trees along the drainage ditch.

FERRIS said what they are doing does not require platting. He said a drainage plan would be required for platting and that is included in conditions of the conditional use. He commented that there is no right of way involved so platting becomes irrelevant.

RICHARDSON asked if the applicant would be fencing the 400 feet.

FERRIS said no and commented that there is a mistake on the site plan. He said the fence will be located on the far west edge on the north 186 feet. He referred to an aerial and demonstrated where the fence would be located.

JOHNSON asked if the resident owner was supportive of this.

FERRIS said the resident was present and he could ask him.

MCKAY clarified that there was no need for a building on the property now or in the future.

FERRIS said no and referred to properties owned by the applicant to the south and north. He said the area they are requesting rezoning on will join properties that already have buildings. He referred to the locations of the current salvage operations owned by the applicant.

MCKAY commented that the reason he asked is if the applicants decides to put a building on the site later on and the Commission has waived the platting requirement, that is going against policy.

FERRIS indicated that he was unaware of the policy change and said if the current policy is the property doesn't need to be platted unless the applicant puts a building on it, they don't have any issues with that.

FOSTER confirmed that something could happen in the front 400 feet.

FERRIS said the applicant doesn't have anything planned now but something is possible in the foreseeable future.

FOSTER said he liked the agents thought of maintaining the existing trees along the highway as a landscape buffer. He asked about replanting trees that were removed along the drainage area.

FERRIS said if that is the will of the Planning Commission they can do that. He briefly reviewed the location of the fence and said they will figure something out. He said in their opinion it doesn't add anything.

RICHARDSON commented that he drove the area and suggested that it might be better to fill in the area with deciduous trees that match what is already there.

FERRIS commented that pines take a lot of water.

FOSTER said if you are not going to achieve anything based on site lines then he doesn't see the benefit of going to all the effort to plant pines. He suggested Bald Cypress and other trees that would work as a buffer. He said they could supplement the existing trees that are already at the location.

DANIEL HALE, 616 E. MACARTHUR said his family has owned the abutting property for over 50 years. He said this used to be a really nasty area and the applicant has cleaned it up a lot. He said they have two houses on one property that face the applicant's property. He commented that the Staff Report answered a lot of questions. He commented that the big metal fence on the north side of the property reflects heat like crazy and he has had to change the location of his garden area because of it. He mentioned fence maintenance and that the wooden posts the applicant used are rotting at the bottom. He said they have replaced some of the posts because of high winds. He said the bay window of his mother's home faces the applicant's property and he was concerned that she was going to be looking at a big metal fence. He asked about stacking debris and said right now he can see cars piled three high behind his house. He said removal of the trees destroyed a lot of existing coverage. He said the Cottonwoods, Maples and Pecan trees completely screened his property from the highway. He said now at night the headlights of trucks go across his property which is a little upsetting.

DAILEY asked what other fencing the neighbor would like besides metal.

HALE commented that there was a 6-foot wood fence along the storage area which is very high maintenance. He said people from the storage units back into it all the time. He said he preferred wood fencing with metal poles.

FERRIS said the 186 feet of fencing comes from the depth of the lot which is 586 feet deep. He said the idea was to come down 186 feet so the view lines from the homes abutting the property would not change. He said they would need to extend the fence along the river to create security and keep access off the properties.

DAILEY commented if the applicant was not going to develop the narrow strip can't they move the fence further east.

FERRIS said they have to fence the area to enclose it.

RICHARDSON asked how important was it that the south 400 feet be rezoned.

FERRIS commented that they would like to rezone it. He said the abutting residential is probably the only non-commercial lot in the entire quarter section. He said it doesn't make sense to have to come back in the future and ask for another rezone. He added if the Planning Commission wants to change the zoning to LC that is not a big deal. He said because it wasn't zoned, the applicant couldn't use it.

RICHARDSON said he was looking for protection for the neighbor because with LI a lot of things could go in there.

FERRIS said he understood where Commissioner Richardson was coming from.

JOHNSON moved that the application be deferred until after the DAB meeting. The motion died for lack of a second.

KNEBEL commented if the front 400 feet is rezoned to LI, commercial parking would be allowed.

RICHARDSON said the only way to provide long-term protection is to leave the front 400 feet zoned SF-5. He said if it is rezoned for whatever use whoever owns property can use it with screening requirements such as a fence that would block the view. He added that if someone built another a house there they could also build a fence and block the view. He commented that the abutting property owner doesn't own the property. He asked staff if there was a more appropriate zoning for the south 400 feet.

KNEBEL said staff was okay with LI.

MOTION: To approve subject to staff recommendation with LC on the front 400 feet and to waive the requirement for the trees.

MCKAY moved, **TODD** seconded the motion, and it carried.

SUBSTITUTE MOTION: To approve subject to staff recommendation with LC on the front 400 feet; that the fence posts be galvanized steel with the possibility of using non-reflective metal fencing and require a tree buffer (as opposed to screening) only along the highway.

FOSTER moved, **JOHNSON** seconded the motion.

MCKAY suggested an amendment as opposed to a substitute motion.

TODD said he does not agree with galvanized steel for fence posts so he would not agree to the amendment and withdrew his second of the motion.

MCKAY agreed with an amendment to the original motion and **FOSTER** seconded the motion.

The **ORIGINAL MOTION AS AMENDED** (see Substitute Motion for amendment) carried (6-2). **MILLER STEVENS and TODD** No.

7. **Case No.: CON2016-00014** - City of Wichita – Public works, c/o Gary Janzen (applicant/owner) and PEC, c/o Charles Brown (agent) request a City Conditional Use for a Major Utility/Water Treatment Plant on SF-5 Single-family Residential zoned property described as:

Commencing at the northwest corner of the Northwest Quarter of said Section 11; thence bearing of North 89°55'35" East from the Kansas coordinate system 1983 south zone (K.S.A. 58-20a02), along the north line of said Northwest Quarter of said Section 11, for a distance of 500.02 feet to the Point of Beginning, said point being 500 feet east of the west line of said Northwest Quarter of Section 11; thence continuing bearing North 89°55'35" East along said north line of Section 11 for a distance of 2128.66 feet to the northeast corner of said Northwest Quarter of Section 11; thence bearing North 89°55'31" East along the north line of the Northeast Quarter of Section 11 for a distance of 790.81 feet to the northwest right of way line of the Arkansas River Watershed Wichita and Valley Center Big Slough – Cowskin Floodway, Arkansas River, Kansas, January 1950; thence along said Big Slough Floodway line for the following courses, bearing South 41°01'31" West for a distance of 184.98 feet; thence bearing South 48°58'29" East for a distance of 171.00 feet; thence bearing South 41°01'31" West for a distance of 300.00 feet; thence bearing North 48°58'29" West for a distance of 171.00 feet; thence bearing South 41°01'31" West for a distance of 697.42 feet to the east line of the Northwest Quarter of said Section 11; thence bearing South 41°01'31" West for a distance of 570.06 feet to the north line of the south half of the Northwest Quarter of said Section 11; thence bearing South 40°57'45" West for a distance of 1129.02 feet to the northeast right of way line of the Missouri-Pacific Railroad, being 50 feet northeast of the centerline of said Railroad; thence departing from said Big Slough Floodway line, bearing North 40°22'55" West along said northeast railroad right of way line for a distance of 1122.38 feet to said north line of the south half of the Northwest Quarter of said Section 11; thence continuing bearing North 40°22'55" West along said northeast railroad right of way line for a distance of 448.90 feet to the most southerly corner of U-Needa Self Storage Addition to Sedgwick County, Kansas, being 50 feet northeast of the centerline of said Railroad, also being 500 feet east of the west line of said Northwest Quarter of Section 11; thence North 0°38'52" West along the east side of said U-Needa Self Storage Addition for a distance of 974.06 feet to the Point of Beginning. Except the following: The north 10.00 acres of the east 640 feet of the west 1140 feet of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas, lying south of the north 60 feet thereof. Said tract is subject to varying road right of way for 21st Street along the north side thereof.

BACKGROUND: The applicant is requesting a Conditional Use for a "major utility," specifically a water treatment plant on the undeveloped 75.18-acre, SF-5 Single-family Residential (SF-5) zoned tract located on the south side of West 21st Street North and east of North Hoover Road. The Unified Zoning Code (UZC) requires consideration of a Conditional Use for a major utility in the SF-5 zoning district; UZC, Sec.III-B.5.c. (2).

The proposed water treatment plant will not treat sewage. The proposed water treatment plant will treat raw water from the Eques Beds and Cheney Lake via existing water pipelines located along West 21st Street North and Zoo Boulevard. The proposed water treatment plant will provide water for the future demands and peak use time. The proposed water treatment plant will also serve as a backup for the City's only water treatment plant complex. The existing water treatment plant complex is located in a portion of Riverside area of town that has a development mix of Botanica public park, Cowtown, Sims public golf course, the Wichita Art Museum (built 1976, 2003) and urban density, mostly single-family residential development. The City's only water treatment plant is also its first water treatment plant (built 1940, with subsequent expansions in 1955, 1968, 1993, 2008). Prior to its construction water for the City was provided by multiple wells.

The applicant's site plan shows the proposed water treatment plant complex developed around the site's existing, spent sand pit (Conditional Use CU-191). The complex consists of an operational building, finished and raw water clear wells, pump stations, disposal wells, reject water storage, a maintenance building and a material storage area. This plant will also be configured to send raw water from Cheney to the Aquifer Storage and Recovery Project (pump station to ASR) in the Eques beds by means of a storage reservoir and pump station. There is a pump station to the Hess Pump station which will allow the City to continue distribution of water from a single point, which is located at the City's only water treatment plant in the Riverside area of town.

Disposal wells at the new plant will inject the reject water that is created from a reverse osmosis process into the deep aquifer below the site. All of the clear wells and water storage facilities are partially or fully submerged concrete reservoirs that hold water either before or after a process and before it moves to the next process of treatment, distribution or injection. Since demand varies from one minute to the next, storage is required to balance what is coming to a plant versus what is going out. The site plan is a concept since there is no time line for the beginning and completion of the facility, but there is a future need, thus the request.

The area is a mix of land uses located in both the County and the City of Wichita. The zoning in the area includes SF-20 Single-Family Residential (SF-20), SF-5, LC Limited Commercial (LC), OW Office-Warehouse (OW), GC General Commercial (GC), IP Industrial Park and LI Limited Industrial (LI). The zoning allows a wide range of uses (some noncompliant) including up-scale single-family subdivisions, a few isolated single-family residences, active and spent sand pits, farmland, a construction and demolition landfill with a temporary rock crusher, limited manufacturing, an auto body shop, undeveloped land and self-storage warehouses. Two SF-5 zoned single-family residences and two SF-20 zoned sand pits are located directly north of the site across 21st Street North. Both of the sand pits are spent (CU-292, CU-16 and CU-24) but there has been recent subdivision and zoning activity on them. On March 10, 2016, SUB2016-00009 was presented to the Subdivision Committee (SD) as an expansion of the still developing Emerald Bay up-scale single-family residential subdivision; no action was taken by the SD. The other sand pit had a Conditional Use (CON2016-00002) approved for a temporary rock crusher to clean up its current noncompliant use as a construction and demolition landfill and a wrecking and salvage yard. An IP zoned manufacturing business is located northwest of the site across 21st Street North, as are an IP zoned commercial strip building and self-storage warehouses. A LI

zoned (ZON2000-00012, PO #72) auto body repair shop is located further northwest of the site on the northeast corner of Hoover Road and 21st Street North. A mostly SF-5 and a small strip of LC zoned 10-acre undeveloped tract abuts a west portion of the site. This 10-acre tract is being considered for IP zoning at the June 16, 2016, MAPC meeting. An OW zoned self-service warehouse (SCZ-0764, PO Protective Overlay #39) is located further west of the site. There is an active rail road track that abuts the OW zoned site. The Sedgwick County Zoo and a County park are located further west of the site, across Zoo Boulevard. The Wichita-Valley Center Floodway and its levee abuts the south and east sides of the site. Most of the site is located in FEMA Flood Plain.

CASE HISTORY: Conditional Use CU-191 was approved to allow sand extraction on the site on December 1, 1976. The property was zoned R-1 Suburban Residential in 1958, which was converted to SF-20 zoning in 1996. The site was annexed in the City between 1991 and 2000, after which the SF-20 zoning became SF-5.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5, SF-20, IP	Single-family residences, spent sand pits, manufacturing,
SOUTH: Levee	Wichita-Valley Floodway
EAST: Levee	Wichita-Valley Center Floodway
WEST: SF-5, LC, OW	Undeveloped land, self-service warehouse, active rail road Tracks, zoo, public park

PUBLIC SERVICES: The site has direct access onto 21st Street North. The site is located approximately 450 feet east of the Hoover Road – 21st Street North intersection. At this location both streets are paved two-lane local streets that function like collectors, providing quick access to the nearest paved four-lane arterial streets, Zoo Boulevard and another portion of 21st Street North or the paved two-lane arterial West Street. Public sewer is available to the site. Public water would have to be extended to the site, across 21st Street North. Most of the site is located in FEMA Flood Plain.

CONFORMANCE TO PLANS/POLICIES: The “Community Investment Plan’s” (Plan, adopted November 19, 2015) “2035 Wichita Future Growth Map” depicts the site as “new “residential.” The new residential category encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the residential category. Pockets of major institutional and commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of industrial uses likely will be developed.

The site’s SF-5 zoning is a match for the new residential category and restricts development pretty much too single-family residential development and some institutional uses by right. The site’s SF-5 zoning has more in common to some of the some of the most recent development in the area, such as the still developing Emerald Bay single-family residential subdivision, which is located less than a half of a mile northeast of the site.

The Plan has a goal of providing a well-maintained long-term water supply, treatment and distribution system that supports the economic growth, vitality and quality of life aspirations of our community. The proposed water treatment plant is part of that goal.

The UZC classifies a major utility as a “civic and public use.” The UZC has no definition of civic and public uses. However, the proposed water treatment facility most closely resembles an industrial use that does not generate pollution, odor, noise, safety hazards, or high levels of traffic. This observation is based on the City’s only water treatment plant and its integration into the Riverside neighborhood which is a development mix of Botanica public park, Cowtown, Sims public golf course, the Wichita Art Museum and urban density, mostly single-family residential development. Based on the location of the City’s existing water treatment plant it appears highly likely that the proposed water treatment plant can meet the Plan’s goal of compatibility among various land uses.

The proposed facility requires consideration of a Conditional Use as a major utility in all zoning districts except the AFB Air Force Base (AFB) zoning district, which allows it by right. There are no supplemental use regulations listed for a Conditional Use for a major utility, however compatibility standards will apply as well, platting, landscaping and other development standards. Utilities provide services that are essential to support development, which is the intent of the application.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

- (1) The Conditional Use shall be for a water treatment plant, not a sewage treatment plant. The site shall be platted before building permits are issued.
- (2) The site shall be developed according to an approved site plan which shall show, but not limited to, parking, signage, landscaping, screening, etc. The site plan turned in with the application will be considered a concept plan which will be replaced with a site plan that will more closely resemble the facility when it is ready for development.
- (3) IP Industrial Park setbacks shall apply to the site: a 50-foot front building setback, a 10-foot rear building setback and a 15-foot interior side yard building setback.
- (4) Compatibility Height standards shall be in effect.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The area is a mix of land uses located in both the County and the City of Wichita. The zoning in the area includes SF-20, SF-5, LC, OW, GC, IP, and LI. The zoning allows a wide range of uses (some noncompliant) including up-scale single-family subdivisions, a few isolated single-family residences, active and spent sand pits, farmland, a construction and demolition landfill with a temporary rock crusher, limited manufacturing, an auto body shop, undeveloped land and self-storage warehouses.

Two SF-5 zoned single-family residence and two SF-20 zoned sand pits are located directly north of the site, across 21st Street North. Both of the sand pits are spent (CU-292, CU-16 and CU-24) but there has been recent subdivision and zoning activity on them. On March 10, 2016, SUB2016-00009 was presented to the Subdivision Committee (SD) as an expansion of the still developing Emerald Bay up-scale single-family residential subdivision; no action was taken by the SD. The other sand pit had a Conditional Use (CON2016-00002) approved for a temporary rock crusher to clean up its current noncompliant use as a construction and demolition landfill and a wrecking and salvage yard. An IP zoned manufacturing business is located northwest of the site across 21st Street North, as are an IP zoned commercial strip building and self-storage

warehouses. A LI zoned (ZON2000-00012, PO #72) auto body repair shop is located further northwest of the site on the northeast corner of Hoover Road and 21st Street North. A mostly SF-5 and a small strip of LC zoned 10-acre undeveloped tract abuts a west portion of the site. This 10-acre tract is being considered for IP zoning at the June 16, 2016, MAPC meeting. An OW zoned self-service warehouse (SCZ-0764, PO Protective Overlay #39) is located further west of the site. There is an active rail road track abuts the OW zoned site. The Sedgwick County Zoo and a County park are located further west of the site, across Zoo Boulevard. The Wichita-Valley Center Floodway and its levee abuts the south and east sides of the site. Most of the site is located in a FEMA Flood Plain.

2. **The suitability of the subject property for the uses to which it has been restricted:** The undeveloped 75.18-acre site is zoned SF-5, which permits single-family residential development and some institutional uses, such as schools and churches, by right. Most of the site is located in a FEMA Flood Plain, which possibly makes the site less attractive for single-family residential development.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** If approved the Conditional Use shall be for a water treatment plant, not a sewage treatment plant. The proposed water treatment facility most closely resembles an industrial use that does not generate pollution, odor, noise, safety hazards, or high levels of traffic. This observation is based on the City's only water treatment plant and its integration into the Riverside neighborhood which is a development mix of Botanica public park, Cowtown, Sims public golf course, the Wichita Art Museum and urban density, mostly single-family residential development. Based on the location of the City's existing water treatment plant it appears highly likely that the proposed water treatment plant can meet the Community Investment Plan's goal of compatibility among various land uses.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "Community Investment Plan's" (Plan, adopted November 19, 2015) "2035 Wichita Future Growth Map" depicts the site as "new residential." The new residential category encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the residential category. Pockets of major institutional and commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of industrial uses likely will be developed.

The site's SF-5 zoning is a match for the new residential category and restricts development pretty much to single-family residential development and some institutional uses by right. The site's SF-5 zoning has more in common to some of the some of the most recent development in the area, such as the still developing Emerald Bay single-family residential subdivision, which is located less than a half of a mile northeast of the site.

The Plan has a goal of providing a well-maintained long-term water supply, treatment and distribution system that supports the economic growth, vitality and quality of life aspirations of our community. The proposed water treatment plant is part of that goal.

The UZC classifies a major utility as a “civic and public use.” The UZC has no definition of civic and public uses. However, the proposed water treatment facility most closely resembles an industrial use that does not generate pollution, odor, noise, safety hazards, or high levels of traffic. This observation is based on the City’s only water treatment plant and its integration into the Riverside neighborhood which is a development mix of Botanica public park, Cowtown, Sims public golf course, the Wichita Art Museum and urban density, mostly single-family residential development. Based on the location of the City’s existing water treatment plant it appears highly likely that the proposed water treatment plant can meet the Plan’s goal of compatibility among various land uses.

The proposed facility requires consideration of a Conditional Use as a major utility in all zoning districts except the AFB Air Force Base (AFB) zoning district, which allows it by right. There are no supplemental use regulations listed for a Conditional Use for a major utility, however compatibility standards will apply as well, platting, landscaping and other development standards. Utilities provide services that are essential to support development, which is the intent of the application.

5. **Impact of the proposed development on community facilities:** Traffic on 21st Street North, Hoover Road, Zoo Boulevard and West Street could increase due to the development of the 75.18-acre site. But, any development on the zoned SF-5 site will increase traffic and the proposed facility will generate less traffic than 75.18-acres of single-family residential traffic. Further impact on community facilities will be determined at the time of platting.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

TODD moved, **DAILEY** seconded the motion, and it carried (8-0).

8. **Case No.: CON2016-00016** - Fran Mar Investments (owner) RRCW, Inc., DBA Burn Out Bar & Grill, c/o Robert Wynia II (applicant) request a City Conditional Use for a Nightclub in the City on GC General Commercial zoned property on property described as:

The North 100 feet of the East 75 feet of the West 160 feet of Lot 2 except the North 10 feet dedicated for street, Block 1, Lawrence Addition, Wichita, Sedgwick County, Kansas.

BACKGROUND: The GC General Commercial zoned site is located in a one-story brick building (built 1930, 1940) on the south side of West Maple Street and approximately 75 feet east of South Seneca Street. The applicants propose to turn the full service restaurant (DER) into a nightclub. When a GC zoned tavern, drinking establishment or nightclub is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district, approval of a Conditional Use is required. Unified Zoning Code (UZC), Sec.III-D6.w. SF-5 Single-Family Residential (SF-5) zoned properties are located approximately 150 feet southeast, east and 215 feet north, across Maple Street, of the site, thus the Conditional Use application. The site is located within the D-O Delano Neighborhood Overlay District (D-O). The D-O does not prohibit nightclubs.

The applicant's site plan shows the proposed nightclub with an outdoor patio with a wrought iron fence, on-site parking and off-site parking located within 35-65 feet of the site. The UZC requires off-street Parking Space to be located no more than 600 feet from the building or use it is intended to serve, measured along the shortest legal, practical walking route. The applicant has provided a letter from the owner of an adjacent south property owner that allows the applicant to use 46 parking spaces. The site plan shows 26 additional parking spaces on an adjacent east parking lot for a total of 72 parking spaces. The owner of this east adjacent parking lot is the same owner of the noted south adjacent parking area; however there is no written agreement to allow this parking. There are four parking spaces on the site and another three parking spaces on the west abutting property, all owned by the applications owner. The site plan notes that the posted occupancy of the proposed nightclub is 137, which requires 69 parking spaces. To attempt to meet the parking standards for a nightclub (one space per two occupants) the applicant needs to provide a letter from the owner of the east adjacent parking lot permitting the use of its 26 parking spaces. The applicant also needs to show the seating for the outdoor patio, which will have to be figured into the required parking.

The 7.3-acre B Multi-Family (B) zoned Kansas Masonic retirement community (built 1906-2013) is the largest development in the area located around the South Seneca – West Maple Street arterial intersection. GC zoned businesses in this area include a small convenience store (1961), a motorcycle repair garage, a heating and air business (built 1920), two electrical business, one with a warehouse (1940, 1970) and a warehouse, which used to also house the Cooper Cue pool hall. GC zoned single-family residences, duplexes and small apartments (typically large house divided into multiple living units) make up the remaining development along the east side of Maple Street. Mostly SF-5 Single-Family Residential (SF-5) zoned older neighborhoods (built 1900-1950) are located behind the GC zoned businesses and residences. The nearest nightclub or drinking establishment may be located two and a half blocks east of the site off of Maple Street and Oak Street.

CASE HISTORY: The site is located on the north 100 feet of the east 75 feet of the west 160 feet of Lot 2 except the north 10 feet dedicated for street, Block 1, Lawrence Addition to West Wichita, which was recorded with the Register of Deeds December 8, 1884.

Oral history of the site indicates the subject has been a drinking establishment or a nightclub off and on since the 1960s. The site is currently a full service restaurant and prior to that it was a pizza restaurant.

ADJACENT ZONING AND LAND USE:

NORTH: GC, MF-18	Heating and air business, retail building, single-family residences
SOUTH: LC, SF-5, TF-3	Storage warehouse, duplex, single-family residences
EAST: GC, SF-5	Apartment, parking, electric storage warehouse,
WEST: GC, B	Motorcycle repair garage, Kansas Masonic retirement complex,

PUBLIC SERVICES: The site has access off the paved four-lane arterial Maple Street. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The site is located within the D-O Delano Neighborhood Overlay District (“D-O”). The D-O is intended to preserve, enhance, and promote the character of the Delano neighborhood as prescribed in the Delano Neighborhood Revitalization Plan. The D-O District is an Overlay District; property Development within the District shall comply with the Delano Neighborhood Design Guidelines and the standards of this District and the Underlying zoning District. The D-O does not prohibit nightclubs, but the GC per the UZC) zoning district requires a Conditional Use for a nightclub or a drinking establishment/tavern when located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district. SF-5 Single-Family Residential (SF-5) zoned properties are located approximately 150 feet southeast and 215 feet north, across Maple Street, of the site, thus the Conditional Use application.

The area’s residential zoned properties are buffered from the proposed nightclub by less intrusive businesses located between the proposed nightclub and those closest residences, located 150 feet southeast and 215 feet north of the subject site. However, proposed off-site parking brings the proposed nightclub’s patrons within 20 feet of residential zoned properties located southeast of the site. This proximity could be a potential source of nuisance for the residential zoned properties.

The “Community Investment Plan’s” (Plan, adopted November 19, 2015) “2035 Wichita Future Growth Map” depicts the site as “industrial.” The industrial category encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. Uses include manufacturing, warehousing, distribution, construction, research, and technology. These uses are located in close proximity to highways and airports and may have rail service. The presences of several businesses with warehouses may have triggered the industrial designation. A nightclub is an appropriate use of the industrial designation.

The site is also located within the “established central area.” This area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The established central area is the focus area for the Wichita Urban Infill Strategy. The established central area encourages a mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. A nightclub is an entertainment facility.

RECOMMENDATION: If approved the request would re-establish a drinking establishment – nightclub on the site. Typically in the older neighborhoods parking is a critical consideration for recommending approval as is the proximity of a church or place of worship, public park, public or parochial school or residential zoning district. A portion of the proposed parking is located within 20 feet of residential zoning. This close proximity is a concern as is the fact that the applicant has not provided an agreement with the owner of the parking lot that would allow the applicant to use the parking lot. It is unknown how the site’s past history as a drinking establishment or nightclub will affect the neighbors’ opinion of the current application. However, at the time this report was written Planning had not received calls or protests against the request. DAB IV choose not to consider the request unless protests had been received. Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a nightclub be **APPROVED**, with the following conditions:

- (1) The site will developed with an approved revised site plan, showing, but not limited to, the required parking spaces. No outdoor speakers or outdoor entertainment is permitted. The outdoor venue shall be subject to Art.III, Sec.III-D.6.w. of the UZC. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.
- (2) The applicant needs to provide written agreements for off-site or shared parking for at least 65 parking spaces
- (3) The applicant shall obtain all required state, local and other applicable permits and inspections.
- (4) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The 7.3-acre B Multi-Family (B) zoned Kansas Masonic retirement community (built 1906-2013) is the largest development in the area located around the South Seneca – West Maple Street arterial intersection. GC zoned businesses in this area include a small convenience store (1961), a motorcycle repair garage, a heating and air business (built 1920), two electrical business, one with a warehouse (1940, 1970) and a warehouse, which used to also house the Cooper Cue pool hall. GC zoned single-family residences, duplexes and small apartments (typically large houses divided into multiple living units) make up the remaining development along the east side of Maple Street. Mostly SF-5 Single-Family Residential (SF-5) zoned older neighborhoods (built 1900-1950) are located behind the GC zoned businesses and residences.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned the GC, which is meant to accommodate retail, commercial, office and other complimentary uses. If approved the request would re-establish a drinking establishment – nightclub on the site. The request does not introduce a new use to the area, as there is a tavern/drinking establishment/nightclub located approximately two and a half blocks east of the site. The site could continue to be used as permitted by right, which is now a full service restaurant.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Typical concerns about tavern/drinking establishment/nightclub include bad behavior resulting from unlimited liquor sales, the noise from music and dancing, and the hours of the nightclub having a detrimental impact on the neighborhood.

- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The site is located within the D-O Delano Neighborhood Overlay District (“D-O”). The D-O is intended to preserve, enhance, and promote the character of the Delano neighborhood as prescribed in the Delano Neighborhood Revitalization Plan. The D-O District is an Overlay District; property Development within the District shall comply with the Delano Neighborhood Design Guidelines and the standards of this District and the Underlying zoning District. The D-O does not prohibit nightclubs, but the GC per the UZC) zoning district requires a Conditional Use for a nightclub or a drinking establishment/tavern when located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district. SF-5 Single-Family Residential (SF-5) zoned properties are located approximately 150 feet southeast and 215 north, across Maple Street, of the site, thus the Conditional Use application.

The area’s residential zoned properties are buffered from the proposed nightclub by less intrusive businesses located between the proposed nightclub and those closest residences, located 150 feet southeast and 215 feet north of the subject site. However, proposed off-site parking brings the proposed nightclub’s patrons within 20 feet of residential zoned properties located southeast of the site. This proximity could be a potential source of nuisance for the residential zoned properties.

The “Community Investment Plan’s” (Plan, adopted November 19, 2015) “2035 Wichita Future Growth Map” depicts the site as “industrial.” The industrial category encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. Uses include manufacturing, warehousing, distribution, construction, research, and technology. These uses are located in close proximity to highways and airports and may have rail service. The presences of several businesses with warehouses may have triggered the industrial designation. A nightclub is an appropriate use of the industrial designation.

The site is also located within the “established central area.” This area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The established central area is the focus area for the Wichita Urban Infill Strategy. The established central area encourages a mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. A nightclub is an entertainment facility.

- (5) **Impact of the proposed development on community facilities:** It is possible that approval of this request could result in an increased demand for police services.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

TODD moved, **DAILEY** seconded the motion, and it carried (8-0).

9. **Case No.: CON2016-00017** - Ray Dot Properties, LLC (owner); IBREWCO, LLC d.b.a. Aero Plains Brewing c/o Brent Miller (applicant) and Studium Architects (agent) request a City Conditional Use for a Nightclub in the City within 300 feet of residential zoning in CBD Central Business District zoning on property described as:

Lots 31, 33, 35, 37 and 39 together with half of the vacated alley adjacent on the West, on Handley Street, West Wichita Addition, Sedgwick County, Kansas.

BACKGROUND: The applicants request a Conditional Use for a Nightclub in the City within 300 feet of residential zoning. The applicants intend to develop a micro-brewery with tasting room and ability to obtain an entertainment license for live music. The subject site was approved for Central Business District (CBD) zoning by the Wichita City Council on May 10, 2016. The applicants and staff did not identify B Multi-family zoning approximately 210 feet northwest of the site prior to the CBD re-zoning application. The B zoned property triggering this conditional use request is vacant and not developed with residences. Nightclub in the City is defined by the Unified Zoning Code (UZC) as an establishment that provides entertainment and/or dancing, where alcoholic beverages are served and where food may or may not be served. The UZC permits a Nightclub in the City in the CBD zoning district by right, but requires a conditional use if the property is located within 300 feet of a church, park, school or residential zoning district. The site is within 300 feet of B Multi-family Residential zoning, but is not within 300 feet of an actual residence, church, park or school.

The CBD rezoning of this property was to give the applicants flexibility with parking and existing building setbacks. The 1960 building on the site has zero lot-line setbacks to the north, south and west sides. The east side of the building, facing Handley Street, is set back approximately 44 feet from the east property line; this side of the site is planned for 12 off-street parking spaces (see the applicant's site plan). A paved, eight-space parking area was improved by a previous property owner within the unpaved Pearl Street right-of-way along the north property line. The site is located within the Delano District, a commercial district serving West Wichita with a variety of commercial, personal service and entertainment uses since the 1870's. The site is within the Delano Neighborhood Plan area, but is not within the Delano Overlay Neighborhood District (D-O). The D-O exists immediately south of this site and one block to the west. A Metropolitan Area Planning Department (MAPD) parking study of West Douglas Avenue between Sycamore Street and Seneca Street reveals that most of the businesses fronting Douglas Avenue do not provide the current code required number of off-street parking spaces. The MAPD analysis estimates that 5,373 off-street spaces are required, but an estimated 3,989 spaces have been provided.

Properties north and west of the site are zoned LI and used for warehousing and offices. Properties south of the site front onto Douglas, they are a combination of General Commercial (GC), Limited Commercial (LC) and CBD zoning. The properties south of the site are used for retail commercial uses. East of the site, across South Handley, is zoned CBD and used for warehousing and retail commercial uses. Within the past two years, eight zone changes to CBD have been approved in Delano.

CASE HISTORY: The property is platted as the West Wichita Addition. The property was included in the Delano Neighborhood Revitalization Plan in 2001. On May 10, 2016 the City Council approved rezoning this site to CBD subject to owner obtaining a minor street privilege for the paved eight parking spaces along the site's north boundary. The applicants are currently in the process of obtaining the minor street privilege.

ADJACENT ZONING AND LAND USE:

North: LI	Warehousing, office uses
South: GC, LC, CBD	Retail commercial uses
East: CBD	Warehousing, retail commercial uses
West: LI	Warehousing, office uses

PUBLIC SERVICES: The site has access to Handley Street, a paved local street with sidewalks and an 80-foot right-of-way at this location. West Pearl Street runs along the north side of the property. Pearl is unpaved at this location with an 80-foot right-of-way, it formerly included rail right-of-way. The Delano Neighborhood Plan calls for this portion of Pearl to become part of a linear parkway, a pedestrian and bike corridor. The site is served by all typical municipal services.

CONFORMANCE TO PLANS/POLICIES: The Delano Neighborhood Plan map depicts the site as appropriate for "commercial mixed use." The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region's preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential and employment mix," encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight and odor.

The Unified Zoning Code (UZC) states that the purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot-line setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. The application area shares similar patterns of development and uses as the original core CBD area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED** subject to the following conditions:

- (1) The site shall be developed in conformance with the approved site plan.

- (2) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties surrounding the subject site are zoned LC, GC, and CBD which permit a very wide range of land uses: residential, office, personal service, entertainment and commercial. Property south and west of the site are subject to the D-O district, which limits land uses and has design guidelines.
2. The suitability of the subject property for the uses to which it has been restricted: The property is approved for CBD zoning which permits a wide range of commercial uses. The applicants require the requested conditional use to move forward with their business plan.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should have little if any impact nearby property owners. The site is currently developed and has some off-street parking. No residential dwelling units, schools, parks or churches are within 300 feet of this site.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval will make the property more marketable with a wider range of possible uses. Denial would presumably represent a loss of economic opportunity to the applicant or property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Delano Neighborhood Plan map depicts the site as appropriate for “commercial mixed use.” The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region’s preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan’s *2035 Wichita Future Growth Concept Map* identifies this location as “residential and employment mix,” encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature.
6. Impact of the proposed development on community facilities: Approval of the request should generate no additional impacts on community facilities. Existing public infrastructure at the site will accommodate uses under CBD zoning and the proposed conditional use.

JESS MCNEELY, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

TODD moved, **DAILEY** seconded the motion, and it carried (8-0).

-
10. **Case No.: DER2016-00003** - Adoption of the Wichita Parks, Recreation and Open Space Plan Update 2016 as an element of the Community Investments Plan 2015-2035.

Background: On November 20, 2008, the Metropolitan Area Planning Commission held a public hearing and passed a motion adopting the Wichita Parks, Recreation and Open Space Plan 2008 as an element of the Wichita-Sedgwick County Comprehensive Plan. The new Wichita PROS Plan was adopted as an element of the Wichita-Sedgwick County Comprehensive Plan by the Sedgwick County Board of Commissioners on December 17, 2008, and by the Wichita City Council on January 6, 2009.

Unfortunately, the 2008 Wichita PROS Plan was negatively impacted by the economic downturn that commenced in early 2009. Since its adoption, the PROS Plan has only been partially implemented. During the development of the new Community Investments Plan, the need to update the 2008 Wichita PROS Plan became evident. To that end, the Arts, Culture and Recreation Element of the Community Investments Plan contains the following Strategy:

- A. *Review and update the Wichita Parks, Recreation and Open Space Plan to ensure that future planned parks/open space and recreation facility investments (capital, maintenance, operations) strategically integrate with County regional parks and open space investments, and remain consistent with our community priorities and willingness to pay.*

Over the last six months, Wichita Park and Recreation staff members have been working on an update to the 2008 Wichita PROS Plan. Their work has been supplemented with community feedback, and some technical support from the consultants who had been hired to prepare the original Plan.

On May 5, 2016, the Park and Recreation Department provided the Advance Plans Committee of the MAPC with a presentation on the changes contained in the proposed Wichita PROS Plan Update 2016. Major changes and modifications contained in the Wichita PROS Plan Update 2016 are listed below:

- The Plan reflects a more pragmatic and realistic approach and is centered around 10 new/revised goals;
- The Plan is fully coordinated and consistent with other current, relevant City plans including the recently adopted Community Investments Plan;
- The Plan focuses on improving connections and linkages, preserving existing resources, and promoting community-based recreation that utilizes recreation centers and specialized centers. Emphasis is also placed on building multi-sector service delivery based on the utilization of public/private partnerships;
- Renewed emphasis is placed on the advocacy role of the Wichita Parks Foundation in the areas of fund-raising, lobbying, and soliciting donations to fund future capital improvements.

The Advance Plans Committee recommended to Park and Recreation staff that the Wichita PROS Plan Update 2016 be modified to include policy direction related to the following two items:

- Importance of finding corporate underwriters or donors who will fund the development and operation of the City parks, recreation and open space facilities recommended in the Plan;

- o Emphasis on supporting the use of gray water to irrigate city parks, open space areas and golf courses where economically feasible.

The Advance Plans Committee subsequently passed a motion at its May 5th meeting recommending that the MAPC adopt the Wichita PROS Plan Update 2016, amended to include the policy changes recommended by the Advanced Plans Committee, as an element of the Community Investments Plan 2015-2035. The Wichita PROS Plan Update 2016 was subsequently revised to include the policy changes recommended by the Advance Plans Committee.

The final draft Plan was presented to the Wichita Board of Park Commissioners on May 9, 2016 and was unanimously approved by the Board at that time. On May 19, 2016, the MAPC set a public hearing date for June 16, 2016 to consider the proposed adoption of the Wichita PROS Plan Update 2016 as an element of the Community Investments Plan 2015-2035, replacing the Wichita Parks, Recreation and Open Space Plan 2008.

The final draft Wichita PROS Plan Update 2016 was also presented to the members of the Wichita City Council for their information and feedback at a workshop session on May 24, 2016. No changes or modifications were recommended by the City Council at that time.

Update/Change of Direction - Based on recent internal discussions regarding the key policy role and focus of the Community Investments Plan, Planning staff are now of the opinion that the Wichita PROS Plan Update 2016 should not be adopted as an element of the Community Investments Plan. Although it has been a long-standing practice to do so, the Wichita Park, Recreation and Open Space Plan is not significantly different than other city or county facility-based capital and operational master plans (Library Master Plan, Public Safety Master Plans, Water and Sewer Utility Master Plans, Wichita Transit Plan, Bike Master Plan, etc.) that have not been adopted as elements of the comprehensive plan. Although it is important that these master plans be consistent with policy direction contained in the Community Investments Plan, it is not necessary that they be adopted as actual elements of the comprehensive plan. These plans can be formally endorsed and updated by the appropriately impacted governing body without going through the time-consuming, formal comprehensive plan adoption process associated with hearings, resolutions and ordinances. However, the MAPC can serve a useful advisory role in reviewing these plans for overall conformity with the Community Investments Plan.

Recommended Action: Receive formal public comment, close the public hearing, and pass a motion finding that that the *Wichita Parks, Recreation and Open Space Plan Update 2016* is in substantial conformity with the *Community Investments Plan 2015-2035* being the Wichita-Sedgwick County Comprehensive Plan.

Attachments:

1. Proposed *Wichita Parks, Recreation and Open Space Plan Update 2016*

DAVE BARBER, Planning Staff presented the Staff Report.

RICHARDSON asked if staff was using the Community Investment Plan interchangeably with the Comprehensive Plan.

BARBER responded that the Plans are one in the same.

MATT TOWNSEND, PARK AND RECREATION DEPARTMENT gave a brief PowerPoint overview of the Plan highlighting changes from the original 2008 Plan. He said ultimately the Plan is a long term strategic planning document for the Park and Recreation Department containing policy operational direction for the next ten plus years. He said the Plan stresses physical connections by expanding the linear park and trail system, providing connections within Wichita and to the broader region. He said the Plan also calls for improved coordination between parks and recreation and the transit system, and builds on planning efforts such as the WAMPO Pathways Plan. He said it was also important that the Plan be in conformity with the goals of the Community Investment Plan.

TOWNSEND said the revised Plan incorporates the five guiding principles from the Community Investments Plan:

1. Support an Innovative, Vibrant and Diverse Economy;
2. Invest in the Quality of Our Community Life;
3. Take Better Care of What We Already Have;
4. Make Strategic, Value-added Investment Decisions;
5. Provide for Balanced Growth but with Added Focus on Our Established Neighborhoods.

TOWNSEND recapped the goals of the Plan as follows:

- Goal 1: Provide safe and accessible parks, open spaces, recreation facilities and programs that help create healthy residents and a healthy community.
- Goal 2: Preserve and enhance our unique natural and cultural resources.
- Goal 3: Provide facilities that focus on user needs and desires, offer amenities that are appealing to the site specific community, and that facilities have participant safety as the top priority.
- Goal 4: Provide Community based education and leisure programs that are oriented for all ages, abilities and are not cost prohibitive.
- Goal 5: Preserve resources through sound management and best practices to create a legacy for future generations.

RICHARDSON asked if the Plan will go to the City Council for adoption.

TOWNSEND said the proposed Plan will go to the City Council for endorsement.

FOSTER asked if the Plan would go to the County Commission as well.

TOWNSEND replied no, not to his knowledge.

MILLER STEVENS asked if there were any procedural advantages or disadvantage to not being part of the Community Investment Plan.

TOWNSEND said including the PROS Plan in the Community Investment Plan was just long-standing practice. He said this Plan has tried to incorporate elements of the Community Investment Plan as well as other Plans throughout the City. He said they believe the Plan is truly reflective of what other City Departments are doing as well.

JUSTIN WAGGONER, ASSISTANT COUNTY COUNSELOR said since staff has changed direction on this, if the Plan is not an element of the Community Investment Plan then Golden Rules factors would not apply. He wanted the Planning Commission to be aware of that since the Statutes are very discretionary about what is included in a comprehensive plan. He said there is no reason the PROS Plan has to be included but there may be advantages and disadvantages.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY added that the Community Investment Plan is high level policy. He said if the PROS Plan is incorporated into the Community Investment Plan then any change to the PROS Plan would require an amendment to the Community Investment Plan. He said the detail that is included in the PROS Plan is not in the Community Investments Plan nor was it intended to be because the Community Investment Plan is more of a guiding document.

MILLER STEVENS said her understanding was that the goal of the Community Investment Plan was not to set specific policy but policy guidance and growth. She said she wanted to make sure that the PROS Plan would not be denied funding or some other consideration if it was not included in the Community Investment Plan.

VANZANDT said arts, culture and recreation is still an element the Community Investment Plan.

FOSTER referenced the Golden Rules with regard to conformance to the adopted Comprehensive Plan and policies. He asked if the PROS Plan is officially endorsed does that make it a policy through resolution. He said his concern is the Commission has reviewed zoning changes where future park development is involved. He asked if they want to lose that as a consideration for a zoning case.

WAGGONER commented that it is the same thing as incorporating a document into a contract, it really is part of the Comprehensive Plan. He said any amendment to a Comprehensive Plan has to be approved by both governing bodies. He said if it is just a policy, then it doesn't have to go through both governing bodies for approval; but if that is the case it doesn't factor into the Golden Rules.

FOSTER clarified then it would be lost as a factor for consideration of zoning cases.

WAGGONER said yes, but there are other factors depending on the circumstances on a case by case basis.

BARBER commented that when the City Council endorses a Plan such as the Bicycle Master Plan they usually do it by Resolution. He asked what constitutes policy and said he would argue that if the City Council has endorsed a Master Plan by Resolution then it becomes a Policy of the City Council, but he could stand corrected on that.

KNEBEL added that the document specifically states that the City shall use the document as guidance for future decision making.

VANZANDT said the PROS Plan is a guidance document for the Park and Recreation Department. He said the Golden Rules are used to determine the reasonableness of a decision.

TODD clarified that the Commission was being asked to offer support for the PROS Plan but not formally encapsulate the Plan into the Community Investment Plan.

FOSTER asked staff to consider the PROS Plan as they do other plans when formulating Staff Reports.

MOTION: That the Wichita Parks, Recreation and Open Space Plan Update 2016 is in substantial conformity with the Community Investments Plan 2015-2035 being the Wichita Sedgwick County Comprehensive Plan.

JOHNSON moved, **MCKAY** seconded the motion, and it carried (8-0).

NON-PUBLIC HEARING ITEMS

11. Conformity of Proposed 2016-2035 City of Wichita Capital Improvement Program with the Community Investments Plan 2015-2035

Background: On June 2, 2016, the Advance Plans committee of the Metropolitan Area Planning Commission received a presentation on the proposed 2016-2025 City of Wichita Capital Improvement Program from the City's Budget Office. The Advance Plans Committee subsequently passed a motion (4-0) recommending that the MAPC find the proposed 2016-2035 City of Wichita Capital Improvement Program to be in substantial conformity with the Community Investments Plan 2015-2035.

Analysis: Section 12-748 of Kansas Statutes requires a planning commission to review the capital improvement program of its municipality to make a finding as to whether the proposed public improvements, public facilities or public utilities conform to the adopted comprehensive plan. If the planning commission finds that any such proposed public improvement does not conform to the plan, the commission shall submit in writing to the governing body, the manner in which such improvement does not conform.

Staff has reviewed the proposed 2016-2035 City of Wichita Capital Improvement Program and has determined that the capital improvements proposed therein substantially conform with several important plan guiding principles and infrastructure spending priorities contained in the recently adopted Community Investments Plan 2015-2035. Staff notes that adequate/appropriate long-term maintenance of existing city public infrastructure and facility assets needs to be resolved as part of the City's ongoing annual operating budget and capital improvement programming processes.

Recommended Action: That the Metropolitan Area Planning Commission find the proposed 2016-2025 City of Wichita Capital Improvement Program to be in substantial conformity with the adopted Community Investments Plan 2015-2035, being the Wichita-Sedgwick County Comprehensive Plan.

Attachment: Overview of Proposed 2016-2035 City of Wichita Capital Improvement Program.

DAVE BARBER, Planning Staff presented the Staff Report. He reported that the Advance Plans Committee voted 4-0 to recommend that the MAPC find the CIP was in substantial conformity with the adopted Community Investments Plan 2015-2035.

MARK MANNING, FINANCE DEPARTMENT gave a brief PowerPoint presentation and commented that the CIP was a ten year plan for improvements to the community and how to finance those improvements. He said the Plan is a vision and financial plan that sets priorities for projects. He said it is a flexible document and right now there are over 200 projects in it. He added that each project is returned to the City Council for review prior to approval, said no project is initiated until it is specifically reviewed and approved by the City Council. He said projects move around in the document as circumstances and priorities change.

MANNING commented that development of the CIP is based on the previously adopted CIP, the Community Investment Plan, current revenue structure and keeping debt capacity within benchmark levels. He added that the City has made strides in using the Community Investment Plan to guide development of the CIP. He reviewed several slides regarding the Community Investments Plan overall spending priorities which were: 1) maintain and replace what we currently have (42.7%), 2) enhance what we currently have (19.0%) and 3) expand what we currently have (38.3%). He said the 38.3% includes streets, freeways and a variety of water utility projects. He said most of the GO dollars for capital improvements are located in the first priority category (42.7%).

MANNING referred to a chart regarding spending areas rated by: no rank, low/medium, medium/high, high and very high which were streets (31% - very high), bridges (1% - very high), transit (1% - medium/high), highways (13% - low/medium), airport (4% - no rank), water supply (41% - very high), arts and culture (4% - medium/high), public safety (3% - high) and other (2% - no rank). He commented that 75% of the dollars allocated are in the high to very high priority areas of the Community Investment Plan. He said staff feel they have done a good job aligning the dollars spent with the priorities of the Community Investments Plan.

MANNING commented that revenues to fund the CIP are based on the 8.5 mill levy in addition to water utilities (which he commented there will be a rate increase consistent with past increases), stormwater utility and local sales taxes.

MANNING referred to a chart regarding debt levels which the City wants to be about 67% below the revenue stream. He said GO at large debt levels will increase but stay within benchmarks, local sales tax debt remains elevated, but within benchmarks and the combined coverage ratio for Water and Sewer will remain within the benchmark. He referred to two pie charts indicating where CIP dollars come from and where CIP dollars are spent (approximately \$1.8 billion). He briefly reviewed changes from the last adopted CIP stating that twenty-five projects were initiated, and adjustments were made including the addition of seven projects and removal of four projects. He said staff also re-prioritizes projects based on cost estimates and other factors. He said they went from 221 projects to 199.

RICHARDSON asked what the process to change the CIP is.

MANNING said there is a City CIP Committee composed of the City Manager, Director of Public Works, City Engineer, Director of Parks and the Director of Airports which makes recommendations. He gave several examples of why projects may be moved up or pushed out.

RICHARDSON asked if and how Council members were notified of changes in their districts.

MANNING said Council is provided a worksheet reflecting all changes and projects from the last CIP. He said once the CIP is adopted, it is not changed.

CHAIR NEUGENT asked if Mr. Manning was through with his presentation. She commented that typically the Commission holds questions until the end of a presentation.

MANNING reviewed slides regarding policy items and projects including street maintenance; local sales tax after 2022 (after completion of Kellogg), aesthetics; building and equipment and stormwater.

MANNING concluded by stating that the next step is presentation of the CIP to City Council at a workshop. He said it has been presented to all the District Advisory Boards and other interested parties including the Bicycle/Pedestrian Advisory Board. He said staff anticipates the Plan will be adopted by late summer. He added that there was no statutory guidance as to when the CIP is adopted.

JOHNSON asked if there was a comment in the CIP Plan regarding the funding shortfall identified in the Community Investments Plan.

MANNING commented that issue was not specifically addressed but there are discussions on some of the challenges the City faces such as building maintenance. He said staff is aware of the situation.

FOSTER said one of the tenets of the Community Investment Plan is going back to the core area. He asked what in the current CIP strengthens that goal.

MANNING said staff was aware of that and mentioned the top spending priority which was take care of what you have. He mentioned core area streets and said funding for arterials in growth areas tend to be pushed to later years of the CIP.

FOSTER asked about some of the housing programs for the core area.

MANNING said staff does not go into that kind of detail when developing the CIP.

FOSTER mentioned freeway improvements with regard to safety. He asked is it worth tying up millions of dollars to gain five seconds in travel time. He said if that is pushing budgets through 2022, he hopes that after reflection of the benefits of that staff will come back to other more important matters for the City.

MANNING commented that staff cannot take a position but they are alerting the City Council to that policy issue and what is to be done after 2022.

MOTION: To find the proposed 2016-2025 City of Wichita Capital Improvement Program to be in substantial conformity with the adopted Community Investment Plan 2015-2035, being the Wichita-Sedgwick County Comprehensive Plan.

MCKAY moved, **RICHARDSON** seconded the motion, and it carried (8-0).

The Metropolitan Area Planning Commission adjourned at 3:45 p.m.

State of Kansas)
Sedgwick County) ^{SS}

I, W. Dale Miller, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2016.

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

DRAFT

**SUB2016-00011 -- Plat of KANSAS HYDROGRAPHICS ADDITION
August 4, 2016 - Page 2**

NOTE: This is unplatted property located in the County within three miles of the City of Wichita. It is designated as "Wichita Urban Growth Area" by the Community Investments Plan 2015-2035. The site is located within the Air Force Base Protection Overlay District (AFBP-O).

STAFF COMMENTS:

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- B. The site is currently located within the Sedgwick County Rural Water District No. 3. If service is available, feasible and the property is eligible for service, Metropolitan Area Building and Construction Department recommends connection.
- C. City of Wichita Public Works and Utilities Department has requested a No Protest Agreement for future extension of sanitary sewer.
- D. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- E. County Public Works has approved the applicant's drainage plan.
- F. The plat proposes two openings along 47th Street South and complete access control along the east 100 feet of old 47th Street South. County Public Works has permitted one opening along old 47th Street South west of the 100 feet of complete access control. Access controls along 47th Street denote 400 feet of complete access control from the intersection of old 47th Street to the first entrance.
- G. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- H. The plat's text shall note the dedication of the street to and for the use of the public.
- I. The site is located within the Maximum Mission Area of the Air Installation Compatible Use Zone (AICUZ) study to identify noise impact areas around McConnell Air Force Base. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- J. As requested, a written response from McConnell Air Force Base was received on July 5, 2016. The letter referenced two separate Air Force regulations, a 250-foot setback and a 100-foot setback from their property. The applicant has increased the setback on the plat to 50 feet between the two properties to address McConnell's security concerns.
- K. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

SUB2016-00011 -- Plat of KANSAS HYDROGRAPHICS ADDITION
August 4, 2016 - Page 3

- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.
- S. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- T. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

STAFF REPORT

CASE NUMBER: SUB2016-00018 – FOSSIL RIM COMMERCIAL ADDITION

OWNER/APPLICANT: Hawkins Marital Trust, Attn: Craig Kreiser, P.O. Box 9510,
Wichita, KS 67277

SURVEYOR/AGENT: Baughman Company, Attn: Kris Rose, 315 Ellis, Wichita, KS
67211

LOCATION: Southeast corner of West 29th Street North and North Tyler Road
(District V)

SITE SIZE: 6.48 acres

NUMBER OF LOTS

Residential:	
Office:	
Commercial:	4
Industrial:	—
Total:	4

MINIMUM LOT AREA: 34,705 square feet

CURRENT ZONING: Limited Commercial (LC)

PROPOSED ZONING: Same

VICINITY MAP



**SUB2016-00018 -- Plat of FOSSIL RIM COMMERCIAL ADDITION
August 4, 2016 - Page 2**

NOTE: This is unplatted property located in the City. The Fossil Rim Commercial Community Unit Plan (CUP2016-00015, DP-340) was approved for this site.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests a petition for extension (mains and laterals) of sanitary sewer and City water services.
- B. The platlor's text references drainage easements which are not reflected on the face of the plat.
- C. The platlor's text references drainage and utility easements which are not reflected on the face of the plat.
- D. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- E. City Stormwater Management advises the drainage plan has been approved.
- F. Traffic Engineering has approved the access controls. The plat proposes two openings along Tyler and two openings along 29th Street North.
- G. Traffic Engineering has requested a guarantee for left turn center lanes and right turn decel lanes to all full movement approaches.
- H. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- I. The joint access openings shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- J. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- K. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- L. The Applicant needs to request a CUP adjustment as the CUP parcel boundaries do not correspond with the area being platted and access controls need adjusted.
- M. The wall easement shall be referenced in the platlor's text.

SUB2016-00018 -- Plat of FOSSIL RIM COMMERCIAL ADDITION
August 4, 2016 - Page 3

- N. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- O. The Register of Deeds Certificate shall include Judy J. Paget as Deputy.
- P. The applicant shall verify that only Craig A. Kreiser, as co-trustee, can sign for the trust.
- Q. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- R. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.
- S. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- T. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- U. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- V. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- W. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- X. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Y. Perimeter closure computations shall be submitted with the final plat tracing.
- Z. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.

SUB2016-00018 -- Plat of FOSSIL RIM COMMERCIAL ADDITION
August 4, 2016 - Page 4

- AA. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- BB. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

STAFF REPORT

CASE NUMBER: VAC2016-00028 - Request to vacate a portion of platted front setbacks on multiple lots

APPLICANT/AGENT: Mike Love Construction Inc., Mike Love (owner) Ruggles & Bohm, P.A c/o Will Clevenger (agent)

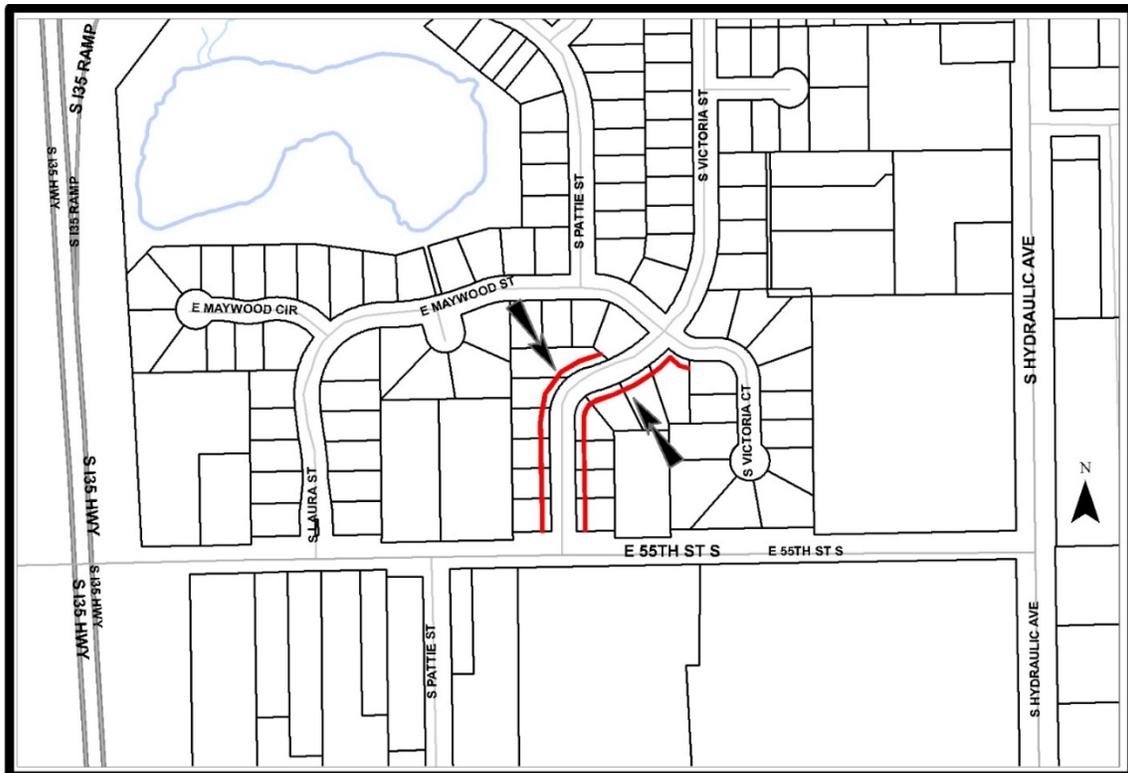
LEGAL DESCRIPTION: Generally described as the inside 5 feet of the platted 25-foot front yard setback of Lots 1-6, Block D & Lots 43-49, Block C, all in the Rivendale Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located north of East 55th Street South, west of South Hydraulic Avenue on both sides of Victoria Street (WCC #III)

REASON FOR REQUEST: More room to build

CURRENT ZONING: Site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential.

VICINITY MAP:



The applicant proposes to vacate the inside 5 feet of the of the platted 25-foot front yard setback of Lots 1-6, Block D & Lots 43-49, Block C, all in the Rivendale Addition. All of the subject lots are zoned SF-5 Single-Family Residential. The Unified Zoning Code's (UZC) minimum front yard setback standard for the SF-5 zoning district is 25 feet. If the setbacks were not platted the applicant could have applied for an Administrative Adjustment that would have reduced the SF-5 zoning district's 25-foot front yard setback by 20% resulting in a 20-foot setback. The applicant's request does not exceed what is permitted by an Administrative Adjustment. There is a platted 20-foot easement in the described portion of the vacated front yard setback on Lots 1-6, Block D that will remain in effect. There appears to be a sewer line and manhole, a hydrant and perhaps a water valve located in said easement. Westar has street lights located in the Victoria Street right of way between Lots 4 and 5, Block D and in front of Lot 49, Block C; condition # 2 covers Westar. The applicant does need to maintain proper clearance, per the Westar Service Standards. Heide Bryan is the Westar contact for this vacation request and can be reached at 261-6554. The Rivendale Addition was recorded with the Register of Deeds October 30, 2003.

NOTE: At the time the vacation request was filed the application stated that the subject properties were zoned SF-5. Subsequently a zone change was filed for TF-3 Two-Family Residential zoning on the subject lots; ZON2016-00032, which will be considered at the August 4, 2016, MAPC meeting. The UZC's minimum front yard setback standard for the TF-3 zoning district is the same as the SF-5 zoning district, 25 feet. The change in the zoning does not change the reduction of 5 feet as requested by the applicant.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted front setbacks on multiple lots.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 14, 2016, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted front setbacks on multiple lots and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the inside 5 feet of the of the platted 25-foot front yard setback of Lots 1-6, Block D & Lots 43-49, Block C, all in the Rivendale Addition. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.

- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

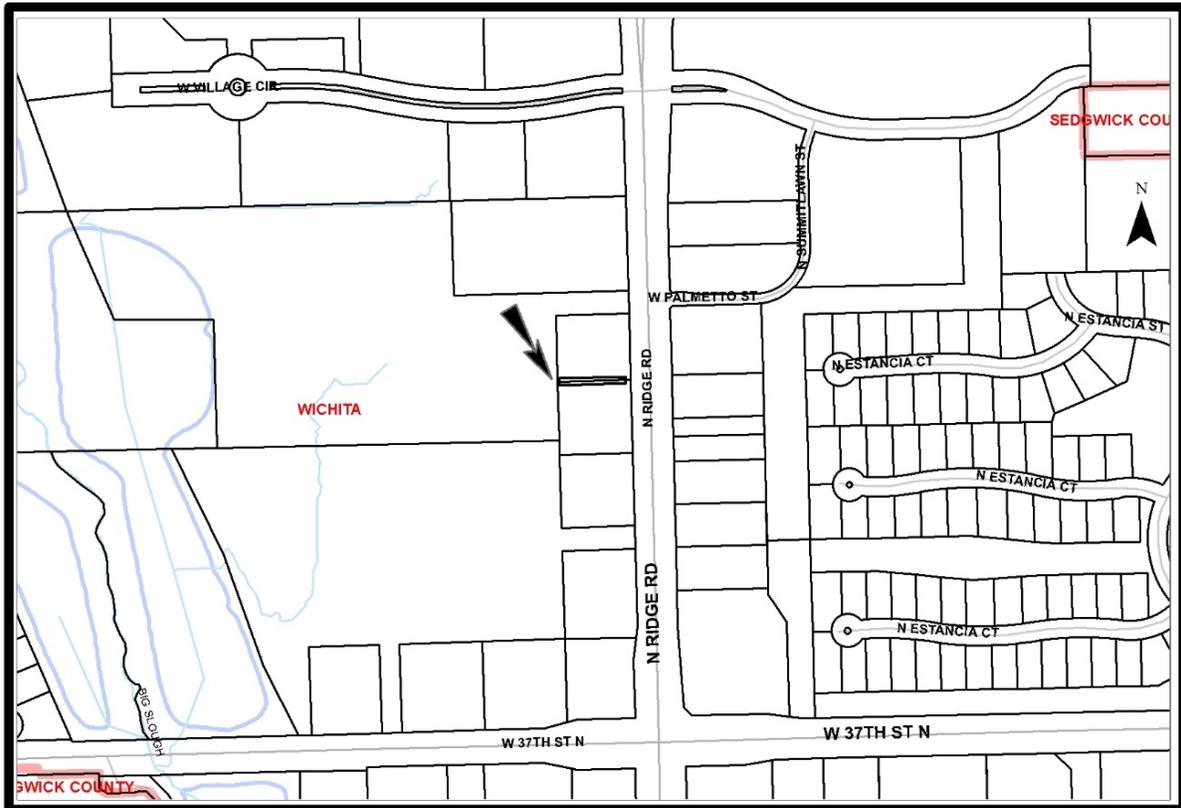
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the inside 5 feet of the of the platted 25-foot front yard setback of Lots 1-6, Block D & Lots 43-49, Block C, all in the Rivendale Addition. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide any needed easements prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

STAFF REPORT

- CASE NUMBER:** VAC2016-00029 - Request to vacate a platted utility easement
- APPLICANT/AGENT:** 37th & Ridge Development Co. LLC, c/o Mike Boyd (owner) Baughman Co., PA, c/o Phil Meyer (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the platted 20-foot wide by 220.06-foot long platted utility easement located on the common lot line of Lots 4 & 5, Block A, Northridge Plaza Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located north of W 37th Street North on the west side of North Ridge Road (WCC V)
- REASON FOR REQUEST:** Development over unused easement
- CURRENT ZONING:** The site, all abutting and adjacent properties are zoned LC Limited Commercial
- VICINITY MAP:**



The applicant is requested the vacation of the platted 20-foot wide by 220.06-foot long platted utility easement located on the common lot line of Lots 4 & 5, Block A, Northridge Plaza Addition. There are no public utilities located within the subject easement. Westar has no equipment located in the subject easement; conditions # 2 and #3 covers Westar. The applicant does need to maintain proper clearance, per the Westar Service Standards. Richard Aitken is the Westar contact for this vacation request and can be reached at 261-6320. The Northridge Plaza Addition was recorded June 4, 2002.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted utility easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 14, 2016, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the platted utility easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Provide a legal description of the vacated portion of the platted utility easement on a Word document via E-mail for the Vacation Order. This must be provided to Planning prior to VAC2016-00029 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00029 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) As needed provided Public Works-Sewer (and any other utility located within the subject easement) with a private project plan for the relocation/abandonment of the sewer line and manholes located within the subject easement for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to VAC2016-00029 proceeds to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.

- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

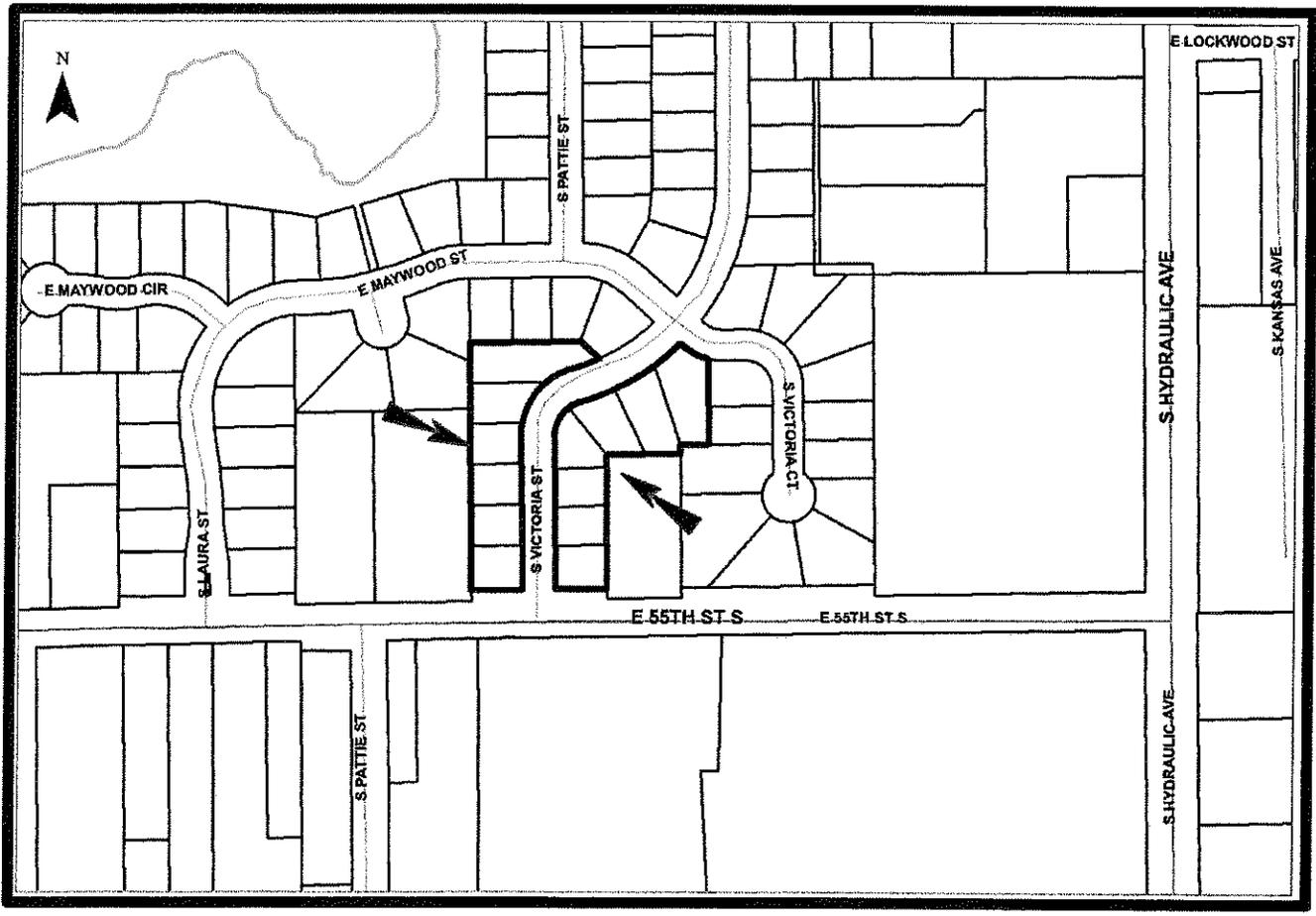
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide a legal description of the vacated portion of the platted utility easement on a Word document via E-mail for the Vacation Order. This must be provided to Planning prior to VAC2016-00029 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00029 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) As needed provided Public Works-Sewer (and any other utility located within the subject easement) with a private project plan for the relocation/abandonment of the sewer line and manholes located within the subject easement for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to VAC2016-00029 proceeds to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants’ expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



STAFF REPORT
MAPC August 4, 2016
DAB III August 3, 2015

- CASE NUMBER:** ZON2016-00032
- APPLICANT/AGENT:** Mike Love Construction (owner) Will Cleavenger, Ruggles & Bohm (Agent)
- REQUEST:** TF-3 Two-Family Residential zoning
- CURRENT ZONING:** SF-5 Single-Family Residential zoning
- SITE SIZE:** Approximately 2.73 acres
- LOCATION:** Generally located northwest of the intersection of 55th Street South and South Hydraulic



BACKGROUND: The applicant is requesting a zone change from Single-Family Residential (SF-5) to Two-Family Residential (TF-3) zoning on approximately 2.73 acres of Rivendale Addition to Wichita, Sedgwick County, Kansas. The applicant proposes to build duplexes on 13 platted lots located on either side of Victoria Street, immediately north of 55th Street South.

The subject site is located within the SF-5 zoned Rivendale Addition. The Rivendale Addition is partially developed with single family residences adjacent to the subject property to the north, west, and east. Immediately east and west of the subject property are single family residences on large, unplatted lots. South of the subject site is unplatted SF-5 zoned tracts developed with mobile homes.

CASE HISTORY: The site is located within the City limits of Wichita and consists of 2.73 acres of the Rivendale Addition platted in 2003.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Single-family residential, undeveloped (Rivendale)
SOUTH: SF-5	Single-family residential, unplatted lots
WEST: SF-5	Single-family residential, unplatted lot
EAST: SF-5	Single-family residential, unplatted lot

PUBLIC SERVICES: The site has access to local, paved collector streets that access East 55th Street South, a paved, two-lane arterial with 90-foot right-of-way. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City limit and the South Wichita/Haysville Area Plan. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality. The site is located in the South Wichita/Haysville Area Plan, which identifies the location for residential development.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED.**

This recommendation is based on the following findings:

- (1) The zoning, uses and character of the neighborhood:** The surrounding neighborhood is zoned SF-5 and is partially undeveloped. Properties immediately to the west, east and south are developed with single-family residences. The proposed duplexes are located within a stand-alone block at the entrance of the subdivision and are only adjacent to the rear of lots developed with existing single-family residences.
- (2) The suitability of the subject property for the uses to which it has been restricted:** The vacant site is currently zoned SF-5 and is undeveloped. As zoned, these units would have to be single-family. With the proposed zoning, they could be single-family or duplexes.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal. Single-family residences have only partially developed in the Rivendale Addition and the proposed duplexes are in a separate portion of the subdivision. This separation should mitigate any detrimental effects on nearby property.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City limit. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality. The South Wichita/Haysville Area Plan identifies the area as appropriate for residential development.
- (5) **Impact of the proposed development on community facilities:** All services are in place. Any increased demand on community facilities can be handled by existing infrastructure.

BACKGROUND: The applicant is requesting a zone change from Single-Family Residential (SF-5) to Two-Family Residential (TF-3) zoning on approximately 23.2 acres of Castlegate Addition. The applicant proposes to build duplexes existing platted lots on the subject property.

West of the subject site is a 79- acre tract zone SF-20 developed with a single-family residence with associated agricultural land. North of the subject site is SF-5 zoned 2nd & 3rd Buckhead Addition developed with single-family residences. Property east of the subject site is SF-5 zoned Country Meadows West Addition developed with single-family residences. Immediately south of the subject property are three single-family residences zoned SF-5 that front Central and a vacant lot zoned MF-18 on west side of Firefly. South of the subject property, across Central, is SF-5 zoned Bay Country Subdivision partially developed with single family residences.

CASE HISTORY: The site is located within the City limits of Wichita and consists of 23.2 acres of the Castlegate Addition, which was recorded June 9, 2014.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Single-family residential
SOUTH: SF-5; MF-18	Single-family residential, partially developed land
WEST: SF-20	Agriculture
EAST: SF-5	Single-family residential

PUBLIC SERVICES: The site has access to local, paved collector streets that access West Central Avenue, a paved, four-lane arterial with 110-foot right-of-way. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as Residential Growth. The Plan encourages the full diversity of residential housing types and densities typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to single-family, duplexes, patio homes, townhouses, apartments and residential accommodations for the elderly. Elementary and middle schools, churches, playgrounds, small parks and other similar residential-serving uses are located in these areas.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED.**

This recommendation is based on the following findings:

- (1) The zoning, uses and character of the neighborhood:** The site is located in a predominately SF-5 zoned single-family residential neighborhood. Single-family residences are located to the north, east and south of the Castlegate Addition. The proposed duplex development will be separated from existing single-family developments and will have a separate entrance and does not share any street access with surrounding single-family neighborhoods.
- (2) The suitability of the subject property for the uses to which it has been restricted:** TF-3 zoning would allow single-family residences and duplexes to be built, which is an appropriate use for urban residential development. The proposed duplex development is separated from adjacent single-family neighborhoods, which should mitigate any detrimental effects on nearby property.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested TF-3 zoning allows duplexes as well as single-family residences by right. There is TF-3 and MF- 18 zoning within one-quarter mile of the subject site.
- (4) Relative gain to the public health, safety and welfare as compared to the loss in value or**

the hardship imposed upon the applicant: Approval of the request would limit development by right to single-family residential, duplex, and some (but not limited to) institutional uses such as a parks, schools and churches.

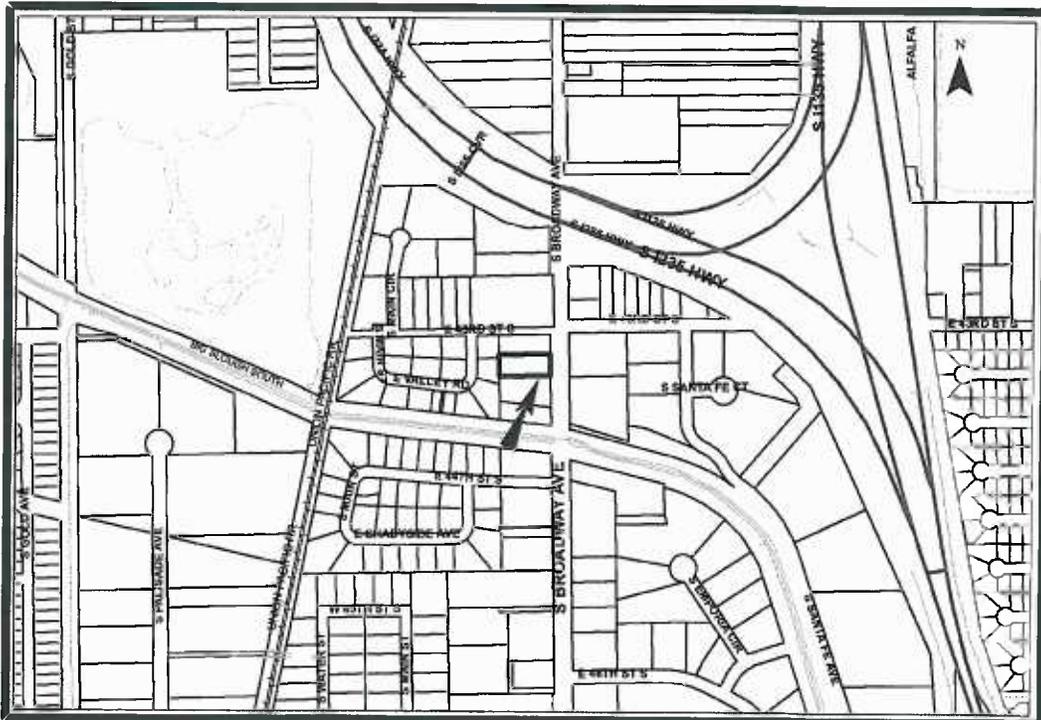
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as Residential Growth. The Plan encourages the full diversity of residential housing types and densities typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to single-family, duplexes, patio homes, townhouses, apartments and residential accommodations for the elderly. Elementary and idle schools, churches, playgrounds, small parks and other similar residential-serving uses are located in these areas. As such, the TF-3 zoning within the Castlegate Subdivision conforms to the future growth concept prescribed by the Community Investment Plan.
- (6) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities can be handled by current infrastructure.



STAFF REPORT

MAPC August 4, 2016
DAB IV August 1, 2016

- CASE NUMBER:** CON2015-00029
- APPLICANT/AGENT:** Homer Morgan Revocable Trust, c/o Homer Morgan, trustee (applicant/owner) Stephen M. Joseph (agent)
- REQUEST:** Conditional Use to allow a night club
- CURRENT ZONING:** Limited Commercial (LC)
- SITE SIZE:** Approximately 0.76-acres
- LOCATION:** Generally located south of West 43rd Street South, on the west side of South Broadway Avenue (4423 S. Broadway WCC #IV)
- PROPOSED USE:** Get the existing nightclub into conformance with the current Unified Zoning Code



BACKGROUND: The LC Limited Commercial (LC) zoned site is located south of West 43rd Street South, on the west side of South Broadway Avenue. Currently the 2,670-square foot one-story building (built 1949 and 1987) is occupied and advertises itself as BC's Bar and Grill. When a LC zoned tavern, drinking establishment or nightclub is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district, approval of a Conditional Use is required; Unified Zoning Code (UZC), Sec.III-D6.w. SF-5 Single-Family Residential (SF-5) zoned properties abut the west side of the site. There is no history of a Use Exception or Conditional Use for a tavern, drinking establishment or nightclub on this site. However, the applicant has stated that the site has for 30 continuous years been either a tavern, drinking establishment or nightclub. The site's liquor license is current. The applicant is applying for a Conditional Use for a nightclub to get the site in conformance with the UZC.

The applicant's site plan is an aerial. The aerial does not show marked parking spaces, but there is paved parking on the east side of the site as well as along portions of the north and south sides. There is also a gravel area located behind the building on the west side of the site. A single-wide manufactured home is located west of the gravel area. This manufactured home is located on the subject site and separates the proposed night club from the west abutting SF-5 zoned single-family residences.

Per the manager of the current business, BC's Bar and Grill, the occupancy rate of the nightclub is posted at 96. Based on the 96 permitted occupants the total parking required for the nightclub is a total of 48 parking spaces; one space per two occupants. The applicant will need show 48 parking spaces on a revised site plan or apply for either a variance, an off-street parking agreement or a combination of the two to meet the UZC's parking standards. The UZC requires off-street parking space to be located no more than 600 feet from the building or use it is intended to serve, measured along the shortest legal, practical walking route. The gravel area can be used for parking if it is paved. The aerial/site plan does not show the required solid screening to separate the site from the west abutting SF-5 zoned single-family residences. The aerial/site plan showed no clear location and screening of dumpsters. The front of the site is completely paved over with no opportunity for landscaping. There are no on-ground parking stops or a rail barrier to prevent cars parked on the east side of the site, along Broadway Avenue, from overlapping into the right-of-way where the sidewalk is located.

The development pattern in the area is small LC and GC zoned businesses located along this relatively short portion of Broadway Avenue between I-235 (north side) and the Big Slough South (south side). Car sales lots, a boat sales lot, a motel, a Fire Station, a vacant commercial strip building and a one or two vacant lots that appear to have been car sales lots, are all located along the arterial Broadway Avenue. Most of this development was built in the 1950s, followed by development in the 1970s, 1980s, late 1990s and 2011. Fire Station #19 was built in 2002. The west abutting SF-5 zoned single-family residences were mostly built in the late 1940s and up to the early 2000s. The nearest nightclub or drinking establishment is Bill and Mary's (built 1940) located less than a quarter-mile north of the site at 4321 South Broadway Avenue.

CASE HISTORY: The site is located on Lot 11 EXCEPT the North 105 feet and EXCEPT a tract beginning 273 feet North of the Southeast corner, thence West 280 feet, thence South to the Southwest corner, thence Easterly to the Southeast corner, thence North to the point of beginning, Block B; South Broadway Gardens 2nd Addition, which was recorded with the Register of Deeds May 1, 1953. The area the site is located in was annexed into the City between 1961-1970

ADJACENT ZONING AND LAND USE:

NORTH: LC, GC, LI	Car sales lots, vacant commercial strip building, auto repair, I- 235
SOUTH: LC, GC	Car sales lot, motel, Big Slough South
EAST: GC	Fire Station, car sales lots, vacant yard and building, boat sales
WEST: SF-5	Single-Family residences

PUBLIC SERVICES: The site has access off the paved four-lane, arterial Broadway Avenue. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The “Community Investment Plan’s 2035 Wichita Future Growth Map” depicts the site as “commercial.” The commercial designation encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, residential uses. A nightclub is an appropriate use of the commercial designation.

Locational criteria for commercial development include three key elements: development pattern, land use compatibility, and design. The development pattern in the area is small LC and GC zoned businesses located along this relatively short portion of Broadway Avenue between I-235 (north side) and the Big Slough South (south side). The proposed nightclub is small enough to be considered a local business. SF-5 zoned single-family residences abut the west side of the site, thus the conditional use request. There are no less intrusive businesses or higher density residential uses located between the proposed nightclub and those closest single-family residences. This proximity could be a potential source of nuisance for the residential zoned properties. The site and the west abutting single-family residential neighborhood do not abut a common street, which lessens the possibility that the customers of the proposed nightclub will be parking in the abutting single-family residential neighborhood. The site does not have the required solid screening between the site and the west abutting single-family residences. The site is completely paved over with no opportunity for landscaping. There are no on-ground parking stops or a rail barrier to prevent cars parked on the west side of the site, along Broadway Avenue, from overlapping into the right-of-way where the sidewalk would continue from the abutting east and west properties.

The site is located within the “South Wichita – Haysville Area Plan” (SW-HAP). A goal of the SW-HAP is to improve the maintenance of the area’s existing businesses. The subject site’s parking needs to be clearly marked, the gravel area located behind the site’s building needs to be paved and marked for parking as needed to achieve the required total of 48 parking spaces. A

rail barrier needs to be put up along the site's east property line to prevent the site's parking from encroaching over into the side walk along Broadway Avenue. The SW-HAP does not call out attention to the area's nightclubs, taverns or drinking establishments.

RECOMMENDATION: If approved the conditional use request would bring the site's nightclub/tavern/ drinking establishments into conformance with the UZC. Typically in the older neighborhoods, parking is a critical consideration for recommending approval as is the proximity of a church or place of worship, public park, public or parochial school or residential zoning district. The site may have the required parking spaces, but staff cannot confirm that with the current site plan. If the site does not have the required parking, the applicant will need to apply for either a variance, off-street parking agreements or a combination of the two to meet the UZC's parking standards. It is unknown how the site's past and current history as a drinking establishment or nightclub will affect the neighbors' opinion of the current application. Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a nightclub be **APPROVED**, with the following conditions:

- (1) The site shall be developed with an approved revised site plan, showing, but not limited to, the required 48 parking spaces, locating dumpsters 20 feet from the west abutting SF-5 zoned properties with solid screening with a solid screening gate around the dumpsters, the solid wooden fence located along the site's west property line, and a rail to prevent cars parked on the east side of the site, along Broadway Avenue, from overlapping into the right-of-way and sidewalk. No outdoor seating, outdoor speakers or outdoor entertainment is permitted. The site plan must be submitted for review within 60-days of approval by the appropriate governing body.
- (2) Improvements on the site, including the restriping of the paved parking lot, the paving and striping for parking on the gravel area behind the nightclub building, solid screening with solid gates around the site's dumpsters, and a metal rail barrier is installed along the site's Broadway Avenue frontage must be completed within 90 days of approval by the appropriate governing body.
- (3) The applicant shall obtain all required state, local and other applicable permits and inspections.
- (4) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The development pattern in the area is small LC and GC zoned businesses located along this relatively short portion of Broadway Avenue between I-235 (north side) and the Big Slough South (south side). Car sales lots, a boat sales lot, a motel, a Fire Station, a vacant commercial strip building and a one or two vacant lots that appear to have been car sales lots, are all located along the arterial Broadway Avenue. Most of this development was built in the 1950s, followed by development in the 1970s, 1980s, late 1990s and 2011. Fire Station #19 was built in 2002. The west abutting SF-5 zoned single-family residences were mostly built in the

late 1940s up to early 2000s. The nearest nightclub or drinking establishment is Bill and Mary's (built 1940) located less than a quarter-mile north of the site at 4321 South Broadway Avenue.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned the LC, which is meant to accommodate retail, commercial, office and other complementary uses. If approved the request would bring the site's nightclub/tavern/ drinking establishment into conformance with the UZC.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** SF-5 zoned single-family residences abut the west side of the site, thus the conditional use request. There are no less intrusive businesses or higher density residential uses located between the proposed nightclub and those closest single-family residences. This proximity could be a potential source of nuisance for the residential zoned properties. Typical concerns about tavern/drinking establishment/nightclub include bad behavior resulting from unlimited liquor sales, the noise from music and dancing, and the hours of the nightclub having a detrimental impact on the residential neighborhood.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "Community Investment Plan's 2035 Wichita Future Growth Map" depicts the site as "commercial." The commercial designation encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, residential uses. A nightclub is an appropriate use of the commercial designation.

Locational criteria for commercial development include three key elements: development pattern, land use compatibility, and design. The development pattern in the area is small LC and GC zoned businesses located along this relatively short portion of Broadway Avenue between I-235 (north side) and the Big Slough South (south side). The proposed nightclub is small enough to be considered a local business. SF-5 zoned single-family residences abut the west side of the site, thus the conditional use request. There are no less intrusive businesses or higher density residential uses located between the proposed nightclub and those closest single-family residences. This proximity could be a potential source of nuisance for the residential zoned properties. The site and the west abutting single-family residential neighborhood do not abut a common street, which lessens the possibility that the customers of the proposed nightclub will be parking in the abutting single-family residential neighborhood. The site does not have the required solid screening between the site and the west abutting single-family residences. The site is completely paved over with no opportunity for landscaping. There are no on-ground parking stops or a rail barrier to prevent cars parked on the west side of the site, along Broadway Avenue, from overlapping into the right-of-way where the sidewalk would continue from the abutting east and west properties.

The site is located within the “South Wichita – Haysville Area Plan” (SW-HAP). A goal of the SW–HAP is to improve the maintenance of the area’s existing businesses. The subject site’s parking needs to be clearly marked, the gravel area located behind the site’s building needs to be paved and marked for parking as needed to achieve the required total of 48 parking spaces. A rail barrier needs to be put up along the site’s east property line to prevent the site’s parking from encroaching over into the side walk along Broadway Avenue. The SW–HAP does not call out attention to the area’s nightclubs, taverns or drinking establishments.

- (1) **Impact of the proposed development on community facilities:** A possible increase in demand for police services as a result of approval of this request may not be likely as the applicant has stated that the site has for 30 continuous years been either a tavern, drinking establishment or nightclub.

002015-29

STATEMENT OF REASONS

The property at 4423 S. Broadway, Wichita, Kansas, has been used as a Tavern and Drinking Establishment and Entertainment Establishment, as those terms are now defined in the Zoning Code (Section II-B.4.l. and Section II-B.13.b.), continuously for more than 30 years. It is currently occupied and has been continuously occupied for more than 30 years.

The property is in an LC district. Tavern and Drinking Establishments and Entertainment Establishments are permitted uses on LC zoning districts, subject to Section III-D.6.w of the Zoning Code (Zoning Code Section III-B.14.c.(3)). Because the property is within 200 feet of a residential zoning district, a conditional use permit is required for use as a Tavern and Drinking Establishment and Entertainment Establishment (Zoning Code Section III-D.6.w).

The use of the property as a Tavern and Drinking Establishment and Entertainment Establishment were permissible prior to this time because those uses were in place at the time the Zoning Code was adopted on March 25, 1996 (Zoning Code section VII-A.3.).

CON 2015-29

4423 S. Broadway St.

Site Plan

CONDITIONAL USE PERMIT APPLICATION

CONDITIONAL USE:

Tavern and Drinking Establishment and Entertainment Establishment

APPLICANT:

Homer Morgan, Trustee

AGENT:

Stephen M. Joseph

LEGAL DESCRIPTION:

Lot 11, Block B, Esc N 105 Ft & Exc Beg 273 Ft N SE Cor W 280 Ft S to SW Cor Ely to SE Cor N to Beg, South Broadway Gardens 2nd Addition

BUSINESS:

BC's Bar & Grill

PH# 316-524-2800

ADDRESS:

4423 S. Broadway, Wichita

OCCUPANCY RATE
96

Legend

📍 4423 S Broadway St



Google earth

© 2015 Google



STAFF REPORT
DAB IV 8-1-16
MAPC 8-4-16

AGENDA ITEM NO. 7

CASE NUMBER: CON2016-00018

APPLICANT/AGENT: Homer Morgan (applicant), Stephen Joseph (agent)

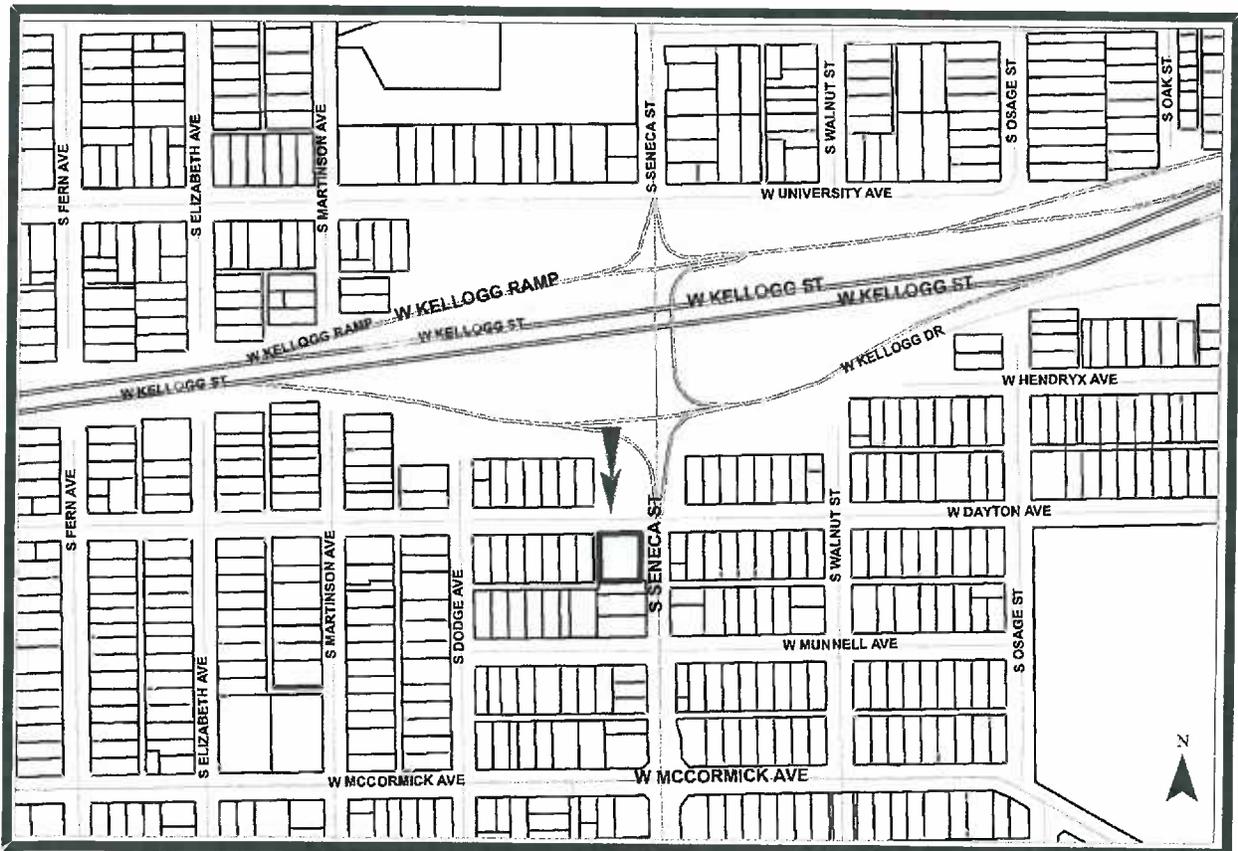
REQUEST: Conditional Use for a Nightclub in the City within 300 feet of residential zoning

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.37 acres

LOCATION: South of West Kellogg and west of South Seneca Street (801 S. Seneca – Whiskey Dicks)

PROPOSED USE: Tavern and Drinking Establishment with Entertainment License



BACKGROUND: The application area, 801 South Seneca Street, is located on the west side of South Seneca Street and one block south of West Kellogg in LC Limited Commercial (LC) zoning and within 300 feet of residential zoning. The site is developed with a two-story building and 27 off-street parking spaces (see attached site plan). The County Tax Assessor lists “bar/tavern/lounge” as the current land use, and the business on the property advertises itself as Whiskey Dicks. The site currently has a drinking establishment license allowing the sale of alcohol to exceed 50% of gross sales. A drinking establishment has functioned on the site for many years. The site also has an entertainment establishment license, allowing dancing and live entertainment. The combination of these two licenses makes this site a “nightclub in the city.” Nightclub in the city is defined by the Unified Zoning Code (UZC) as an establishment that provides entertainment and/or dancing, where alcoholic beverages are served and where food may or may not be served. The current nightclub is permitted in LC zoning, but is legal non-conforming under the UZC because it is within 300 feet of residential zoning. The UZC permits a nightclub in the city in the LC zoning district by right, but requires a conditional use if the property is located within 300 feet of a church, park, school or residential zoning district. The application area is adjacent to multi-family residential zoning and single-family residential development to the south and east of the site.

North of the site is the Kellogg Expressway. Property south of the site is zoned MF-29 Multi-family Residential (MF-29) and developed with single-family residences. The site has a screening fence along the south property line. Property east of the site, across Seneca Street, is zoned MF-29 and developed with single-family residences and a vehicle repair shop. Property immediately west of the site, across an alley, is zoned NO Neighborhood Office (NO) and developed with a duplex. A full screening fence does not exist along the west side of the site. Further west is property zoned MF-29 and developed with single-family residences.

CASE HISTORY: The site was platted as the English Pub Addition to Wichita in 1982. The building on the property was built in 1930.

ADJACENT ZONING AND LAND USE:

North: None	Kellogg Expressway
South: MF-29	Single-family residences
East: MF-29	Vehicle repair, single-family residences
West: NO, MF-29	Duplex, single-family residences

PUBLIC SERVICES: South Seneca Street is a paved arterial street with four lanes and a center left turn lane at this location.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan’s 2035 Wichita Future Growth Concept Map identifies this location as “residential.” The UZC requires one parking space per two seats for nightclubs. The applicant indicates that the site has an occupancy of 95 people. The applicant’s site plan demonstrates 27 parking spaces, 21 fewer than required. The applicant will require some combination of parking reduction through an adjustment or variance which could be combined

with a parking agreement with a nearby property to meet the UZC parking requirement. The site meets the UZC screening requirement where it abuts multi-family residential zoning to the south.

RECOMMENDATION: Staff notes that some form of drinking establishment has existed on this site for some time which does not appear to be incompatible with nearby residential uses. This application does not introduce a new use to the area. Staff notes that the site is screened from nearby residential properties. Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a Nightclub in the City be **APPROVED**, with the following conditions:

- (1) The applicant shall meet the UZC parking requirements by obtaining a parking reduction and/or securing an off-site parking agreement.
- (2) The applicant shall submit a revised site plan, to be approved by planning staff, which identifies required parking.
- (3) The site shall be developed and maintained in conformance with the approved site plan.
- (4) No outside loudspeakers or outdoor entertainment is permitted.
- (5) The site shall maintain all necessary licenses for a nightclub in the city.
- (6) The site shall conform to all applicable codes and regulations to include but not limited to zoning, building, fire and health.
- (7) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the site is the Kellogg Expressway. Property south of the site is zoned MF-29 Multi-family Residential (MF-29) and developed with single-family residences. The site has a screening fence along the south property line. Property east of the site, across Seneca Street, is zoned MF-29 and developed with single-family residences and a vehicle repair shop. Property immediately west of the site, across an alley, is zoned NO Neighborhood Office (NO) and developed with a duplex. A full screening fence does not exist along the west side of the site. Further west is property zoned MF-29 and developed with single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC and developed with a drinking establishment. The site could be developed with any permitted uses in the LC district and it could continue to be a legal non-conforming nightclub without the conditional use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is zoned LC and could be developed with any range of permitted uses in that district. The proximity of residential zoning triggers the conditional use review for a nightclub. Noise and activity from the nightclub could impact nearby residences; proposed

conditions prohibiting outdoor speakers and entertainment should mitigate this impact. The request does not introduce a new use in the neighborhood. The limited size of the site and building will prevent expansion beyond a neighborhood scale, and proposed conditions should mitigate impacts on surrounding properties.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial of the request would presumably be an economic hardship upon the property owner, as the applicant owns the property and desires to operate the proposed business within LC zoning.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan's 2035 Wichita Future Growth Concept Map identifies this location as "residential." The UZC requires one parking space per two seats for nightclubs. The applicant indicates that the site has an occupancy of 95 people. The applicant's site plan demonstrates 27 parking spaces, 21 fewer than required. The applicant will require some combination of parking reduction through an adjustment or variance which could be combined with a parking agreement with a nearby property to meet the UZC parking requirement. The site meets the UZC screening requirement where it abuts multi-family residential zoning to the south.
6. Impact of the proposed development on community facilities: The proposed Conditional Use should not impact community facilities to any greater extent other uses permitted in the LC zoning district.

CON 2016-00018

Site Plan

Legend

📍 801 S. Seneca St.

CONDITIONAL USE::

Drinking Establishment and
Entertainment Establishment

APPLICANT:

Homer Morgan, Trustee

AGENT::

Stephen Joseph

LEGAL DESCRIPTION:

Lot 1, Block A, English Pub Addition
to Wichita

BUSINESS:

Whiskey Dicks Bar & Grill

ADDRESS:

801 S. Seneca, Wichita



Google earth

© 2015 Google

80 ft



STAFF REPORT
DAB IV 8-1-16
MAPC 8-4-16

CASE NUMBER: CON2016-00026

APPLICANT/AGENT: Homer Morgan (applicant), Stephen Joseph (agent)

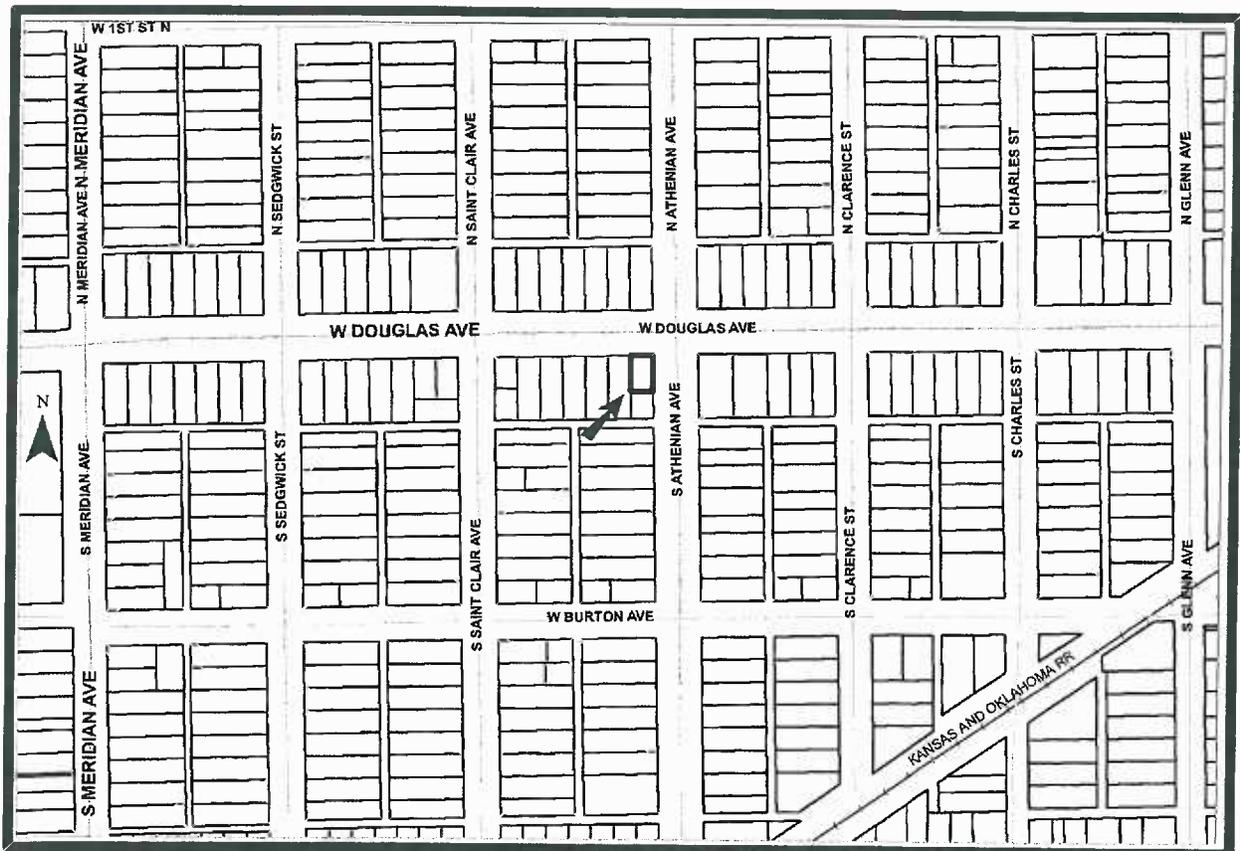
REQUEST: Conditional Use for a Nightclub in the City within 300 feet of residential zoning

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.09 acres

LOCATION: South of Douglas and east of Meridian (2201 W. Douglas – The Metro Court)

PROPOSED USE: Tavern and Drinking Establishment with Entertainment License



BACKGROUND: The application area, 2201 W. Douglas, is located south of Douglas and three blocks east of Meridian in LC Limited Commercial (LC) zoning and within 300 feet of residential zoning. The site is developed with a single-story commercial building, and the business advertising itself as The Metro Court occupies the east half of commercial building. Abutting the site to the east is a paved on-street parking in the Athenian right-of-way with enough space for seven (7) on-street parking spaces (see attached site plan). A drinking establishment has functioned on the site for many years, but the business is currently closed. The site currently in the process of obtaining a drinking establishment license allowing the sale of alcohol to exceed 50% of gross sales. A drinking establishment is permitted in LC zoning, but the site is legal non-conforming under the Unified Zoning Code (UZC) because it is within 300 feet of residential zoning. The conditional use application is proposed so that the site also has can attain an entertainment establishment license, allowing dancing and live entertainment. The combination of these two licenses would make this site a “nightclub in the city.” Nightclub in the city is defined by the UZC as an establishment that provides entertainment and/or dancing, where alcoholic beverages are served and where food may or may not be served. The UZC permits a nightclub in the city in the LC zoning district by right, but requires a conditional use if the property is located within 300 feet of a church, park, school or residential zoning district. The application area is in a small commercial area surrounded by residential zoning in all directions.

North of the site is zoned SF-5 Single-Family Residential and TF-3 Two-Family Residential and is development with single family residences. The property immediately south of the site is zoned LC Limited Commercial is developed with a single-family residence. Further south of the site are properties zoned SF-5, TF-3, and B Multi-Family Residential that are developed with single-family residences, duplexes, and multi-family residences. Properties east of the site are zoned SF-5 and are developed with single-family residences. The properties immediately west of the site are zoned LC and are developed with commercial uses, a single-family residence, and a multi-family residence. Further west are properties zoned SF-5 and TF-3 that are developed single-family residences duplexes.

CASE HISTORY: The site was platted as the English Pub Addition to Wichita in 1982. The building on the property was built in 1930.

ADJACENT ZONING AND LAND USE:

North: SF-5, TF-3	Single-family residences
South: LC, SF-5, TF-3, B	Single-family residences, duplexes, and multi-family residences
East: SF-5	Single-family residences
West: LC, SF-5, TF-3	Commercial uses, multi-family, duplexes, single-family

PUBLIC SERVICES: Douglas is a paved arterial street with two lanes and on-street parking on both sides of the street at this location.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan’s 2035 Wichita Future Growth Concept Map identifies this

location as “residential” and within the Delano Neighborhood Revitalization Plan Area. The Delano Neighborhood Revitalization Plan has an object to improve business opportunities along Douglas. The UZC requires one off-street parking space per two seats for nightclubs. The applicant indicates that the site has an occupancy of 64 people. The building occupies the entire site; therefore, no off-street parking is provided. The applicant’s site plan demonstrates seven (7) on-street parking spaces abutting the site in the Athenian right-of-way. The applicant will require a variance to reduce and/or waive the off-street parking requirement, which may be combined with an off-site parking agreement with a nearby property to meet the UZC parking requirement.

RECOMMENDATION: Staff notes that some form of drinking establishment has existed on this site for some time which does not appear to be incompatible with nearby residential uses. This application does not introduce a new use to the area. Based upon the information available prior to the public hearings, planning staff recommends that the request for a Conditional Use for a Nightclub in the City be **APPROVED**, with the following conditions:

- (1) The applicant shall meet the UZC parking requirements by obtaining a variance to reduce and/or waive the off-street parking requirement, which may be combined with an off-site parking agreement with a nearby property to meet the UZC parking requirement.
- (2) The applicant shall submit a revised site plan, to be approved by planning staff, which identifies required parking.
- (3) The site shall be developed and maintained in conformance with the approved site plan.
- (4) No outside loudspeakers or outdoor entertainment is permitted.
- (5) The site shall maintain all necessary licenses for a nightclub in the city.
- (6) The site shall conform to all applicable codes and regulations to include but not limited to zoning, building, fire and health.
- (7) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** North of the site is zoned SF-5 Single-Family Residential and TF-3 Two-Family Residential and is development with single family residences. The property immediately south of the site is zoned LC Limited Commercial is developed with a single-family residence. Further south of the site are properties zoned SF-5, TF-3, and B Multi-Family Residential that are developed with single-family residences, duplexes, and multi-family residences. Properties east of the site are zoned SF-5 and are developed with single-family residences. The properties immediately west of the site are zoned LC and are developed with commercial uses, a single-family residence, and a multi-family residence. Further west are properties zoned SF-5 and TF-3 that are developed single-family residences duplexes.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC and developed with a drinking establishment. The site could be developed with any permitted uses in the LC district and it could continue to be a legal non-conforming drinking establishment without the conditional use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is zoned LC and could be developed with any range of permitted uses in that district. The proximity of residential zoning triggers the conditional use review for a nightclub. Noise and activity from the nightclub could impact nearby residences; proposed conditions prohibiting outdoor speakers and entertainment should mitigate this impact. The request does not introduce a new use in the neighborhood. The limited size of the site and building will prevent expansion beyond a neighborhood scale, and proposed conditions should mitigate impacts on surrounding properties.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial of the request would presumably be an economic hardship upon the property owner, as the applicant owns the property and desires to operate the proposed business within LC zoning.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as within the Established Central Area - the mature neighborhoods within an approximate three-mile radius of the downtown core. The Plan's 2035 Wichita Future Growth Concept Map identifies this location as "residential" and within the Delano Neighborhood Revitalization Plan Area. The Delano Neighborhood Revitalization Plan has an object to improve business opportunities along Douglas. The UZC requires one off-street parking space per two seats for nightclubs. The applicant indicates that the site has an occupancy of 64 people. The building occupies the entire site; therefore, no off-street parking is provided. The applicant's site plan demonstrates seven (7) on-street parking spaces abutting the site in the Athenian right-of-way. The applicant will require a variance to reduce and/or waive the off-street parking requirement, which may be combined with an off-site parking agreement with a nearby property to meet the UZC parking requirement.
6. Impact of the proposed development on community facilities: The proposed Conditional Use should not impact community facilities to any greater extent other uses permitted in the LC zoning district.

CON 2016-00026

Site Plan

Legend

📍 2201 W. Douglas Ave.

CONDITIONAL USE:

Tavern and Drinking Establishment and Entertainment Establishment

APPLICANT:

Homer Morgan, Trustee

AGENT:

Stephen M. Joseph

LEGAL DESCRIPTION:

N 80 Ft of Lots 1 and 2, Block 1, Martinson's 9th Addition to Wichita

BUSINESS:

Metro Court

ADDRESS:

2201 W. Douglas Ave., Wichita

50'

80'



2201 W Douglas Ave

S Athenian

Google earth

© 2015 Google



70 ft

BACKGROUND: The applicants request a conditional use for an “accessory apartment” on the southeast corner of West platted SF-5 Single-Family Residential zoned lot located on the southwest corner of Maple Street and South Country View Lane. The site is developed with a 2,208-square foot single-story residence (built 1966) and a large garage. The applicant is converting a portion of the garage into an accessory apartment.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines an “accessory apartment” (Art. II.Sec. II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit. Accessory apartments are also subject to supplementary use regulation Art. III.Sec.III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit and with the character of the neighborhood; (3) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium and (4) the water and sewer service provided to the accessory apartment shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

The site is located in an area where Wichita and Sedgwick abut each other. The area the site is located in is zoned SF-5. SF-5 zoned single-family residences abut the south and west sides of the site. SF-5 zoned single-family residences are adjacent, across Country View Lane, to the east side of the site. The single-family residences in these areas were built in the mid to late 1960s up to as recently as 2007. SF-5, SF-20 Single-Family Residential and RR Rural Residential zoned properties are located north of the site, across Maple Street. Development in the area north of the site include partially developed urban scale subdivisions (recorded May 8, 2003 & March 15, 2006), two single-family residences (built 1978, 1986) on large tracts and agricultural land. An anomaly to the development in the area is a LC and SF-5 zoned recreational vehicle (RV) campground that may have been established in 1965.

CASE HISTORY: The subject property is described as Lot 1, Maple Hill Addition, which was recorded with the Register of Deeds January 5, 1965.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5, SF-20, RR	Single-family residences, large tract single-family residences, agricultural land, RV campground
SOUTH:	SF-5	Single-family residences
EAST:	SF-5	Single-family residences
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. The site has access onto Country View Lane, a sand and gravel residential street. Country View Lane intersects with the paved, two-lane arterial Maple Street.

CONFORMANCE TO PLANS/POLICIES: The “2035 Wichita Future Growth Concept Map” shows the site and the area it is located in as “residential.” The residential category encompasses areas that reflect the full diversity of residential development densities and types

typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle schools, churches, playgrounds, small parks and other similar residential- serving uses are located in these areas. The site is located outside of the established central area of Wichita. An accessory apartment may be considered as a conditional use in the SF-5 zoning district, which is a common request.

RECOMMENDATION: The surrounding area has well-established residential land uses. Based on information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

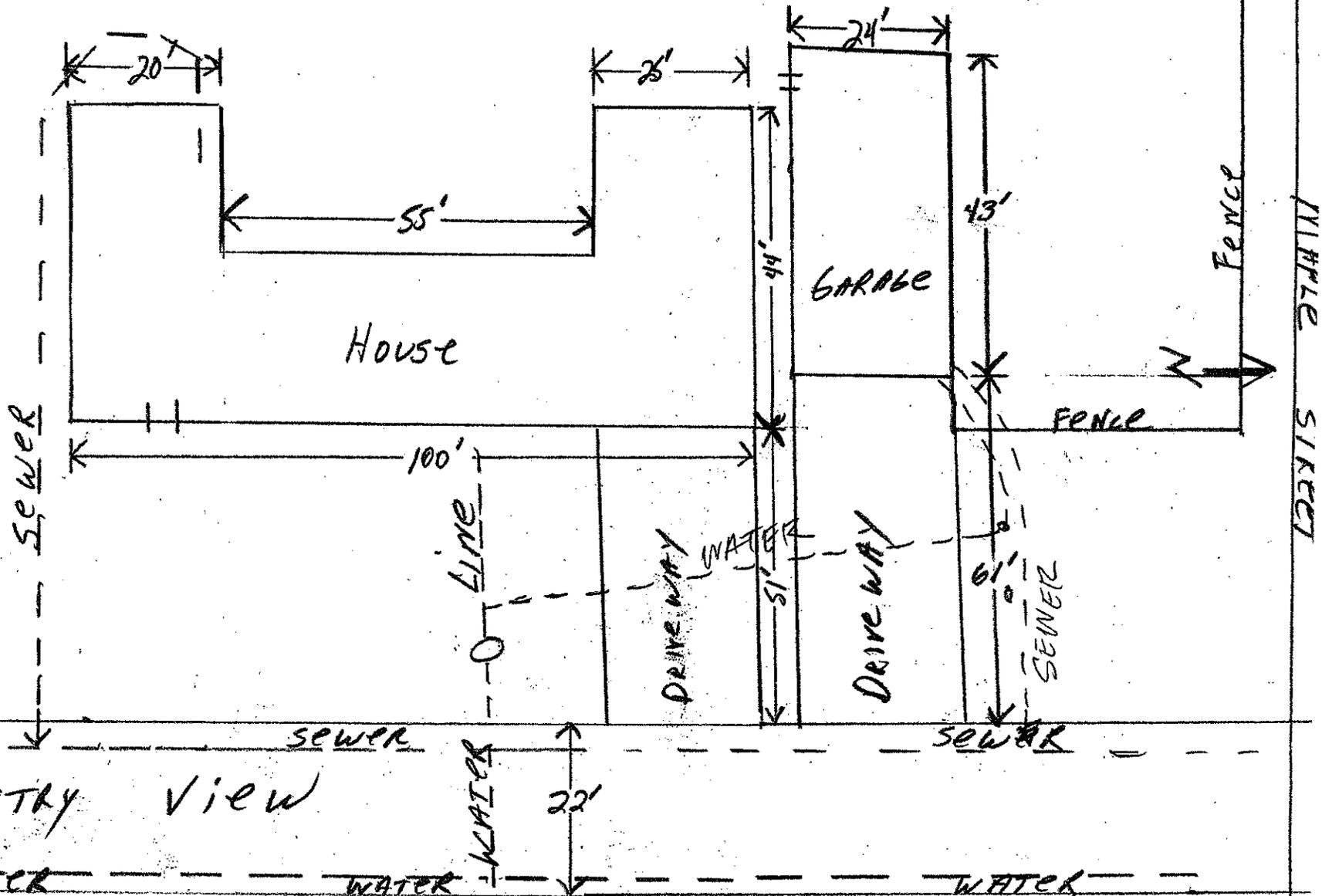
1. The Conditional Use permits one single-family accessory apartment on the site. The site shall be developed and maintained in general conformance with the approved site plan, the approved elevation drawing, and in conformance with all applicable regulations, including but not limited to: local zoning, including Article III, Section III-D.6 .a.(1)-(4); building, fire and utility regulations or codes.
2. An approved site plan for the entire lot and an elevation drawing approved by planning staff, indicating dimensions and exterior materials.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is located in an area where Wichita and Sedgwick abut each other. The area the site is located in is zoned SF-5. SF-5 zoned single-family residences abut the south and west sides of the site. SF-5 zoned single-family residences are adjacent, across Country View Lane, to the east side of the site. The single-family residences in these areas were built in the mid to late 1960s up to as recently as 2007. SF-5, SF-20 Single-Family Residential and RR Rural Residential zoned properties are located north of the site, across Maple Street. Development in the area north of the site include partially developed urban scale subdivisions (recorded May 8, 2003 & March 15, 2006), two single-family residences (built 1978, 1986) on large tracts and agricultural land. An anomaly to the development in the area is a LC and SF-5 zoned recreational vehicle (RV) campground that may have been established in 1965.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-5 which permits the existing single-family residence. The SF-5 zoning is characteristic of the area's zoning. An accessory apartment may be considered as a conditional use in the SF-5 zoning district, which is a common request.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2035 Wichita Future Growth Concept Map” shows the site and the area it is located in as “residential.” The residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle schools, churches, playgrounds, small parks and other similar residential- serving uses are located in these areas. The site is located outside of the established central area of Wichita. An accessory apartment may be considered as a conditional use in the SF-5 zoning district, which is a common request.

5. Impact of the proposed development on community facilities: If this request is approved, the site is served by municipal services that are able to accommodate projected demand created by this request.



Michael + Iris McCreedy
 301 S. Country View
 Wichita, KS 67235

1 MAPLE HILL ADDITION

CON2016-29

STAFF REPORT

MAPC: August 4, 2016

Derby Planning Commission: August 4, 2016

CASE NUMBER: CON2016-00036

APPLICANT/AGENT: John and Kathy Wills (Owner/Applicant)

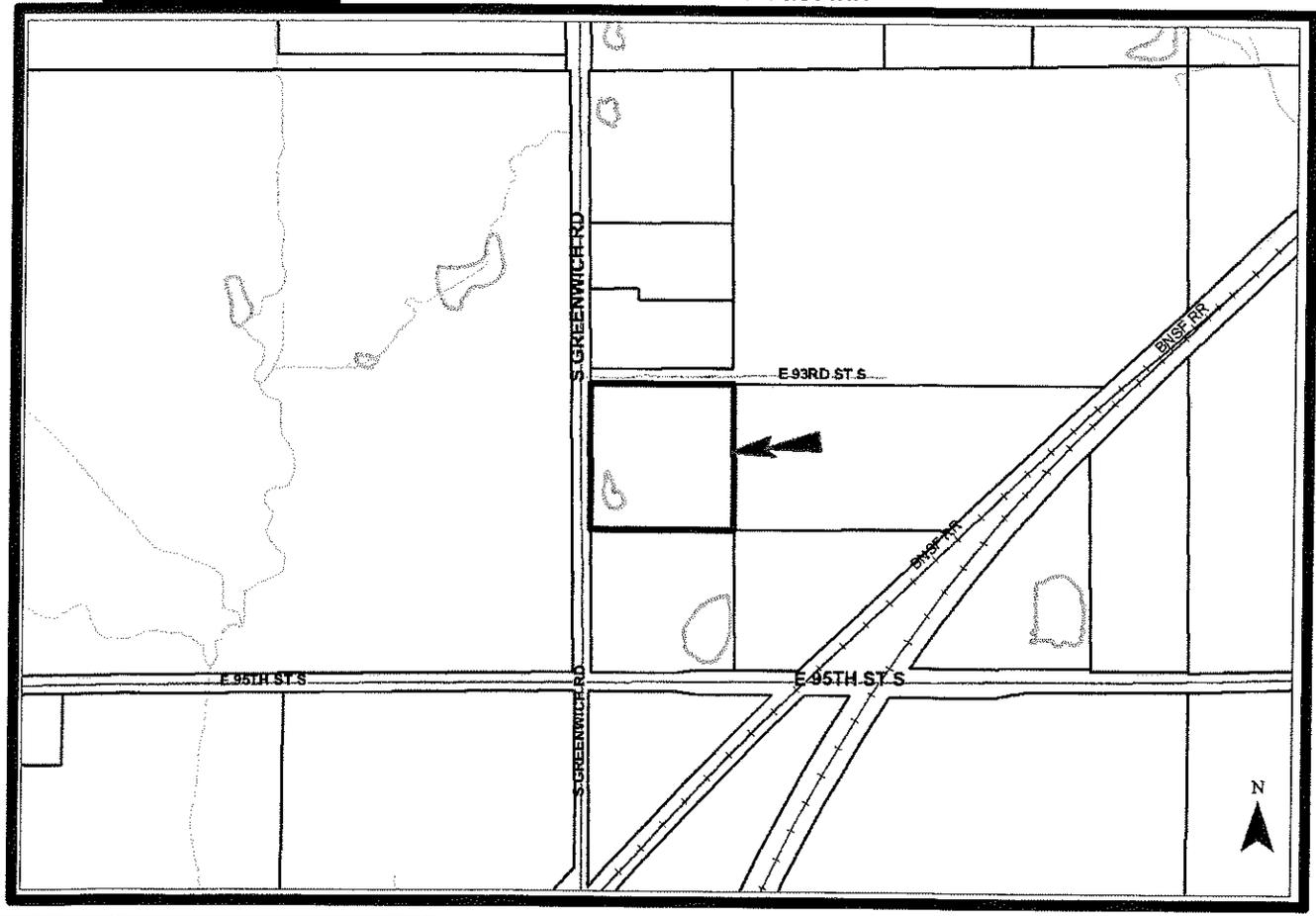
REQUEST: Conditional Use to permit a Bed and Breakfast Inn

CURRENT ZONING: RR Rural Residential

SITE SIZE: 9 acres

LOCATION: Generally located north of 95th Street and S. Greenwich Rd (9400 Greenwich Rd.)

PROPOSED USE: Bed and Breakfast Inn



BACKGROUND: The applicants are requesting a Conditional Use on a site zoned RR Rural Residential to allow a Bed and Breakfast Inn to be operated at their current residence at 9400 S. Greenwich Road. The lot is 9 acres in size and is located on the east side of Greenwich Road 1,080 north of 95th Street South. The residence has four available bedrooms (suites) and the applicants wish to utilize them for the Bed and Breakfast.

The site plan indicates the primary structure built in 1975 and a barn. There is a half-circle gravel drive off Greenwich Road to the front entrance that accesses 93rd Street South. The site has an existing two-car attached garage, a concrete parking apron and an all-weather surface drive that can accommodate parking. According to the UZC, a Bed and Breakfast is an owner-occupied or manager-occupied residential structure that provides rooms for temporary lodging or lodging and meals for not more than 15 transient guests on a paying basis. A transient guest is a person who occupies a room for a period of less than one week at a time.

The surrounding properties are all zoned RR and have single family residential with associated agricultural land.

CASE HISTORY: The property is an unplatted nine acre tract described as N 630 FT S 1290 FT W 660 FT SW1/4 EXC W 40 FT FOR RD. SEC 15-29-2E along the north edge of the property has been vacated. The property to the north at 9330 S. Greenwich Road had a Conditional Use approved for an accessory apartment (CON2008-00014).

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Single-family residence, 4.5 acres
SOUTH:	RR	Single-family residences, 8.8 acres
EAST:	RR	Single-family residences, 81.9 acres
WEST:	RR	Agricultural land, 154.4 acres

PUBLIC SERVICES: Access to the site is from S. Greenwich Road and E. 93rd Street. South Greenwich Road is a two-lane arterial with 80 feet of right-of-way and 25 feet of paved width. East 93rd Street is a private, 20-foot wide gravel road. Neither road has recent traffic counts. The site is served by a sewage lagoon and located in Sedgwick County Rural Water District 03.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Small City Urban Growth Area. The Plan's *2035 Urban Growth Areas Map* indicates the likely direction and magnitude of growth these communities can expect to experience out the year 2035. Determination of growth direction and amount is based upon municipal political considerations, anticipated population growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

The Unified Zoning Code ("UZC") allows Bed and Breakfast as a Conditional Use in the residential zoning districts in compliance with UZC site requirements for parking, screening, lighting, and compatibility setback standards and with Landscape Ordinance requirements. No specific requirements are specified for Bed and Breakfast Inn other than the stipulation that it

be an owner-occupied or manager-occupied structure.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the Conditional Use request for a five suite Bed and Breakfast be **APPROVED**, subject to the following conditions:

1. The site shall be developed and operated in general conformance with the MAPD approved site plan.
2. Construction of improvements shall be completed within one year of approval by the appropriate governing body.
3. The applicant shall obtain all inspections, permits and licenses from the County, prior to operating the bed and breakfast inn.
4. The owner or the manager of the bed and breakfast inn shall reside in the primary structure.
5. There shall be four rooms designated for the bed and breakfast business. These rooms shall be shown on a floor plan required for approval by the Metropolitan Area Building and Construction Department (MABCD) for a change of occupancy to bed and breakfast inn within a single-family residential structure.
6. All signage shall conform to the Sedgwick County Sign Code.
7. Parking spaces shall be provided onsite as indicated on the approved site plan. The parking area shall be in compliance with Sedgwick County requirements.
8. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding properties are zoned RR Rural Residential. Large acre lots with single family residences and agricultural land.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned RR and is developed with a single-family residence. It could continue to be used as a single-family dwelling.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The Conditional Use for a bed and breakfast will encourage continued maintenance of the current structure.

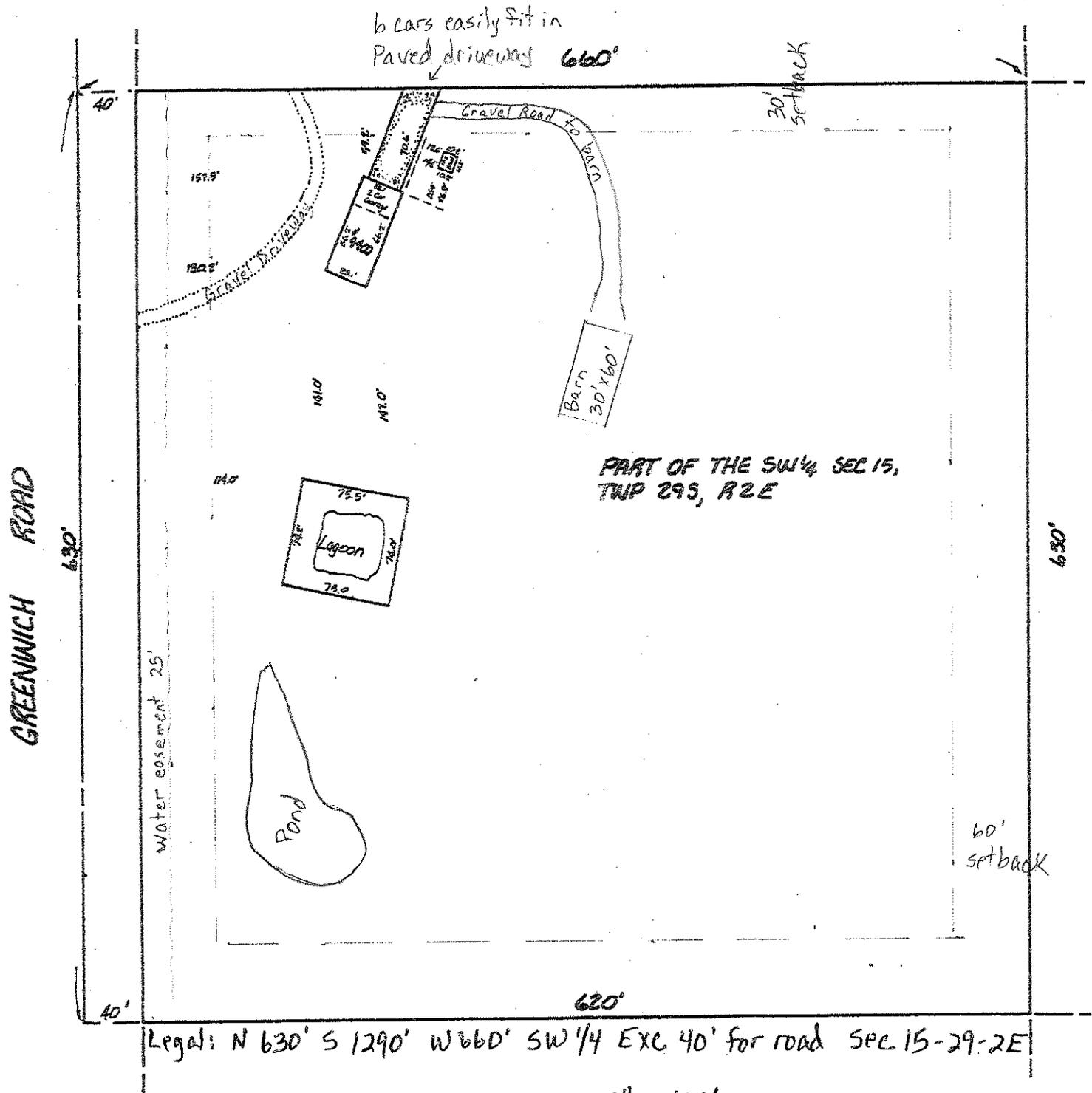
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Comprehensive Plan identifies this property as “Small City Urban Growth Area.” The Unified Zoning Code permits bed and breakfast inn as a Conditional Use when it is determined to be an appropriate site for this type of use and when the bed and breakfast inn can meet site development requirements of the Conditional Use and UZC. The conditions of approval are designed to meet these criteria.

5. **Impact of the proposed development on community facilities:** The impact on community facilities should be minimal so long as all required parking is onsite and is adequately paved. No impact is anticipated on other utilities.

JOHN + NATHY WILLS
9400 S. Greenwich
Derby, KS 67037

Conditional Use Application
d'n Breakfast

Subject property is determined to be in Flood Zone C, as shown on Sedgwick County
FIRM Map, Community Panel #200321 0300 A, dated June 3, 1986.



Legal: N 630' S 1290' W 660' SW 1/4 EXC 40' for road SEC 15-29-2E



1" = 120'

FILE #P811274
24 APRIL 1987

CD 11 2016-00036

BACKGROUND: The applicant is requesting a Conditional Use for an accessory apartment to be on the site. The unplatted property is zoned SF-20 Single-Family Residential and is approximately 1.9 acres. It is currently developed with a residential designed manufactured single-family home, three sheds, a barn and well house. The site is serviced by a septic system. The subject site is located on the west side of Ridge Road approximately 0.4 mile north of 45th Street North. The Sedgwick County site is not located within any Urban Area of Influence.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines an “accessory apartment” (Art. II.Sec. II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit. Accessory apartments are also subject to supplementary use regulation Art. III.Sec.III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit and with the character of the neighborhood; (3) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium and (4) the water and sewer service provided to the accessory apartment shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

The surrounding properties to the north, west and south are zoned SF-20. The uses include single-family residences. Across Ridge Road to the east is a single-family residential subdivision zoned SF-20

The applicant submitted the attached site plan showing the location of existing structures, well and the septic system. The site plan also identifies the location of the new 45-foot X 36-foot accessory apartment with a 25-foot X 30-foot attached garage.

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: SF-20 Single-family residence on 2.6 acres
SOUTH: SF-20 Single-family residence on 5 acres
WEST: SF-20 Single-family residence on 9 acres; undeveloped 16 acres
EAST: SF-20 Single family residences on 0.5 and one-acre lots.

PUBLIC SERVICES: Ridge Road is a four-lane paved arterial street. The subject site has access to Ridge from a 230-foot long single lane gravel drive. The property is served by septic system and an on-site water well.

CONFORMANCE TO PLANS/POLICIES: The “2035 Community Investments Plan” (Plan) identifies the subject site as being in the Wichita Urban Growth Area. This category identifies Wichita’s urban fringe areas that have the potential to be developed by the year 2035, based upon Wichita population growth projections and current market trends. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current

infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

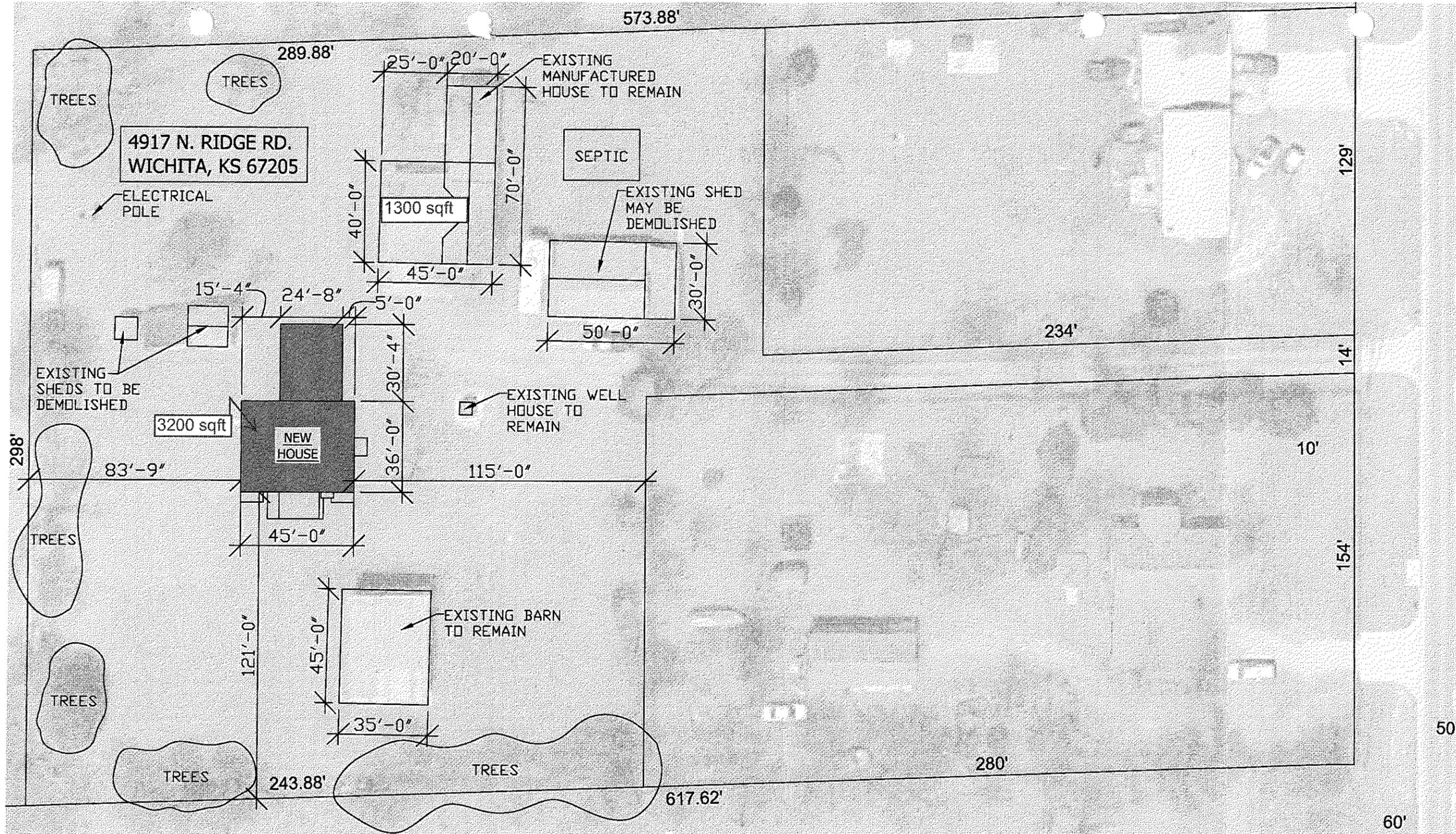
RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, with the following conditions:

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 4917 N. Ridge Road) and the ownership shall not be divided or sold as a condominium. The appearance of the accessory structure shall be compatible with the main dwelling.
- (2) The water and sewer service provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services. The applicant shall have the MABCD review the status of the existing sewer septic system.
- (3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the placing of the accessory apartment.
- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) If the accessory apartment is not in place within 12 months after final approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The County subject site is located in an SF-20 zoned area with lots ranging from +/- 0.5 acre to 16 acres. Development is a mix of large lot single-family residential.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned SF-20 which permits the existing single-family residence. The property could continue to be used for one single-family residence; the depth of the property easily accommodates an accessory apartment and the additional required parking space.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request should not detrimentally impact nearby properties. The conditions of approval should minimize any anticipated detrimental impacts.

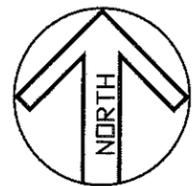
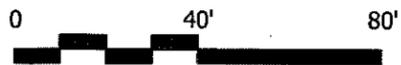
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2035 Community Investments Plan” (Plan) identifies the subject site as being in the Wichita Urban Growth Area. This category identifies Wichita’s urban fringe areas that have the potential to be developed by the year 2035, based upon Wichita population growth projections and current market trends. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors. A Conditional Use application/request is required for consideration of an accessory apartment in the SF-20 zoning district.
- (5) **Impact of the proposed development on community facilities:** Community facilities are the public streets in the neighborhood, police and fire services, none of which will be noticeably impacted by another residence being built on the site. There is no public water or sewer service available to the neighborhood.



N. RIDGE RD.

SITE PLAN

1" = 40'-0"



TITLE: Conditional Use of an Accessory Apartment

APPLICANT NAME: Eugene and Nicoleta Vasilescu

ADDRESS: 4917 N Ridge Rd.
Wichita, KS 67205

DATE: May 3, 2016

LEGAL DESCRIPTION:

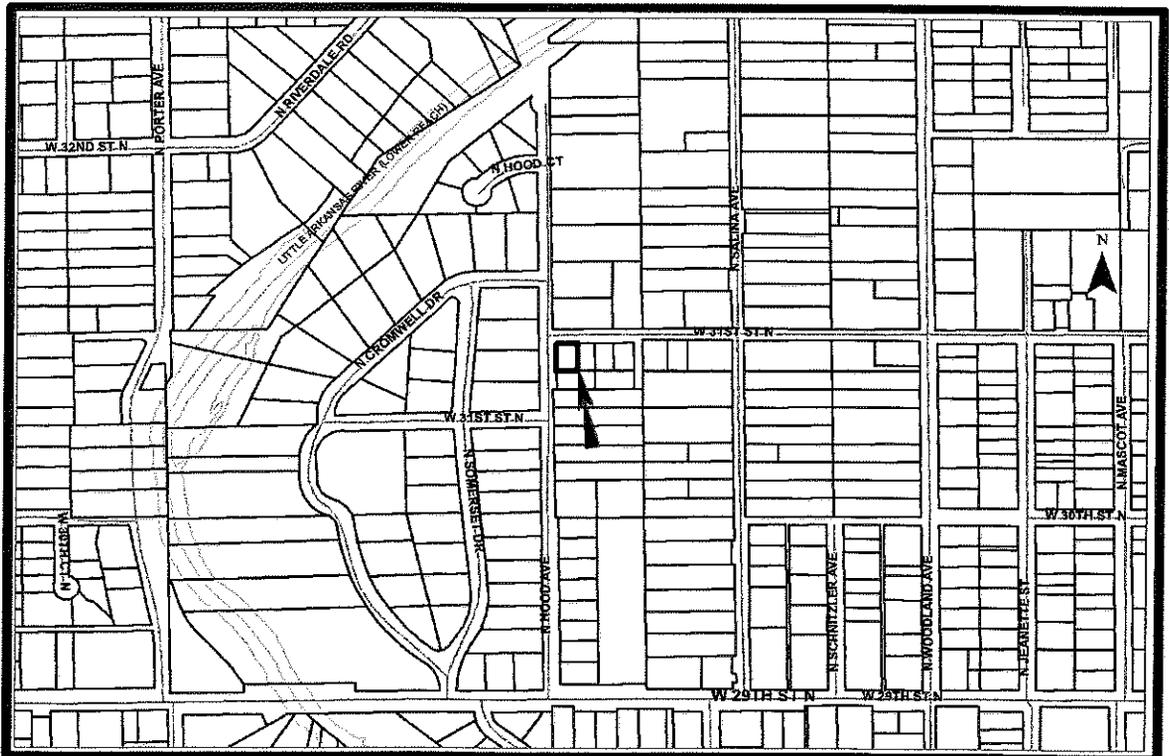
Beginning at a point in the East line of the Southeast Quarter of Section 21, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and 493.43 feet South of the Northeast corner of the Southeast Quarter of said Section 21; thence South along the East line of the Southeast Quarter of said Section 21, 15.0 feet; thence West parallel with the North line of the Southeast Quarter of said Section 21, a distance of 330.0 feet; thence South parallel with the East line of the Southeast Quarter of said Section 21, a distance of 154.0 feet; thence West parallel with the North line of the Southeast Quarter of said Section 21, a distance of 243.88 feet; thence North parallel with the East line of the Southeast Quarter of said Section 21, a distance of 298.0 feet; thence East parallel with the North line of the Southeast Quarter of said Section 21, 298.88 feet; thence South parallel with the East line of the Southeast Quarter of said Section 21, 129.0 feet; thence East 284.0 feet to the point of beginning.



STAFF REPORT

MAPC August 4, 2016
DAB VI August 1, 2016

- CASE NUMBER:** CON2016-00038
- APPLICANT/OWNER:** Metal Arts Properties, LLC (owners) Alissa Huibsch (applicant)
- REQUEST:** Conditional Use to allow a group residence, limited
- CURRENT ZONING:** SF-5 Single-Family Residential (SF-5)
- SITE SIZE:** Approximately 0.17-acres
- LOCATION:** Generally located north of West 29th Street North and west of North Arkansas Avenue at the southeast corner of West 31st Street North and North Hood Avenue (1055 W. 31st St. N. WCC #VI)
- PROPOSED USE:** Group residence for nine men recovering from drug and/or alcohol addiction



BACKGROUND: The applicant requests a conditional use to operate a group residence, limited, for nine male residents on the SF-5 Single-Family Residential (SF-5) zoned site located on the southeast corner of West 31st Street North and North Hood Avenue. Per the Unified Zoning Code (UZC, Sec.II-B.5.k), a group residence, limited, is a residential facility occupied by six to 15 persons providing cooking, sleeping and sanitary accommodations for a group of people, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding or lodging houses, children's homes, and emergency shelters for the homeless and for victims of crime, abuse or neglect.

The UZC requires the consideration of a conditional use for a group residence, limited in the SF-5 zoning district and in all residential zoning districts with one exception. A group residence, limited, is allowed by right in the B Multi-Family Residential (B), GO General Office (GO), NR Neighborhood Retail (NR), LC Limited Commercial (LC), GC General Commercial (GC), CBD Central Business District (CBD) and the AFB Air Force Base (AFB) zoning districts. The term group residence does not include Group Homes or Correctional Placement Residences; UZC, Sec.II-B.5.i and Sec.II-B.5.k. A group of not more than five persons (excluding servants) not related by blood or marriage, may live together as a single housekeeping unit in a dwelling unit/single-family residence; UZC Sec.II.B.4.n.

The applicant has stated that the group residence will be an Oxford House. Per the Oxford House web site:

Oxford House is a concept in recovery from drug and alcohol addiction. In its simplest form, an Oxford House describes a democratically run, self-supporting and drug free home. Oxford House, Inc., is the national, non-profit umbrella organization which provides the network connecting all Oxford Houses and allocates resources to duplicate the Oxford House concept where needs arise. The number of residents in a House may range from six to fifteen. There are houses for men, houses for women, and houses which accept women with children. A house with a mix of men and women is not allowed. There are no resident counselors in an Oxford House. A recovering individual can live in an Oxford House for as long as he or she does not drink alcohol, does not use drugs, and pays an equal share of the house expenses. The average stay is about a year, but many residents stay three, four, or more years. There is no pressure on anyone in good standing to leave. While Oxford House is not affiliated with Alcoholics Anonymous (AA) or Narcotics Anonymous (NA), its members realize that recovery from alcoholism and drug addiction can only be assured by the changing of their lifestyle through full participation in AA and NA. The Oxford House concept in recovery was established in 1975

The site is developed with an eight bedroom, four bathroom, 2,086-square foot single-story, brick and lap siding single-family residence (built 1983). The applicant has stated that there will be one resident per bedroom in seven bedrooms and one bedroom with two residents. On-site parking is provided by what looks like a double-wide, paved drive way and a gravel parking lot located on the west side of the site, along Hood Avenue. No size was given on the site plan for the west gravel parking area, which may be encroaching into the Hood Avenue right of way. The UZC requires one parking space per bedroom for a group residence. The proposed site requires eight parking spaces. Because the site plan does not give the size of the parking areas and does not confirmed that the west parking area is not encroaching into Hood Avenue, staff cannot

confirm that the required on-site parking is provided.

The site is located in a large area, from 29th Street North to 37th Street North, from the west side of the Little Arkansas River to Arkansas Avenue, of almost unbroken SF-5 zoned single-family residences. The exceptions are scattered LC zoned properties located along the arterials 29th Street North and Arkansas Avenue, maybe four TF-3 zoned properties, a B zoned property and a group of three properties zoned GC and GO. Staff found no apparent conditional uses located in the area's the SF-5 zoned properties. SF-5 zoned single-family residences about the east and south sides of the corner site. SF-5 zoned single-family residences are located adjacent to the west, across Hood Avenue, and north, across 31st Street North, sides of the corner site. The appraiser's link shows the single-family residences located closest to the site being built over a wide time frame, from 1937-1992.

CASE HISTORY: The site is located on Lot 1 except the east 60 feet, Schlender Addition, which was recorded with the Register of Deeds on April 2, 1982. The area was annexed into the City between 1961-1970.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5	Single-family residences
EAST:	SF-5	Single-family residences
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: The site has access onto Hood Avenue, a sand and gravel residential street and 31st Street North a paved, two-lane, residential street. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2035 Wichita Future Growth Concept Map" shows the site and the area it is located in as "residential." The residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle schools, churches, playgrounds, small parks and other similar residential- serving uses are located in these areas. The site is located outside of the established central area of Wichita.

RECOMMENDATION: The intent of the proposed group residence, limited is provide peer group assistance for the recovery from drug and/or alcohol addiction based on and supported by a national organization, Oxford House. The UZC allows consideration of a group residence, limited as a conditional use in all of the residential zoning districts with the exception of the B zoning district, which allows it by right. The proposed site provides a residence for a maximum of nine adult men recovering from drug and/or alcohol addiction located in, as previously stated, a large mostly unbroken neighborhood of SF-5 zoned single-family residences. The Oxford

House webb site states that the average stay in such a residence is about a year, but many residents stay three, four, or more years. Based on this length of residency, the proposed facility's residential population is more transient in its nature, which would seem to be like the residency of multi-family development and not (as usually argued) a single-family neighborhood where the length of residency may be longer based on the ownership living on-site. Multi-Family residential and non-residential zoning would seem to be a more appropriate zoning for the proposed use. A neighborhood with a more diverse zoning pattern would also be a more appropriate neighborhood than the one the proposed site is located in. Based upon the information available prior to the public hearings, planning staff recommends that the request for a conditional use be **DENIED**.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The site is located in a large area, from 29th Street North to 37th Street North, from the west side of the Little Arkansas River to Arkansas Avenue, of almost unbroken SF-5 zoned single-family residences. The exceptions are scattered LC zoned properties located along the arterial 29th Street North and Arkansas Avenue, maybe four TF-3 zoned properties, a B zoned property and a group of three properties zoned GC and GO. Staff found no apparent conditional uses located in the area's the SF-5 zoned properties. SF-5 zoned single-family residences abut the east and south sides of the corner site. SF-5 zoned single-family residences are located adjacent to the west, across Hood Avenue, and north, across 31st Street North, sides of the corner site. The appraiser's link shows the single-family residences located closest to the site being built over a wide time frame, from 1937-1992.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-5, which is meant to accommodate low to moderate-density, single-family residential development and complementary land uses within the City of Wichita. The SF-5 zoned site could be developed as single-family by right.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** If approved the request would introduce a new use to the SF-5 zoned single-family residential neighborhood. Approval of the proposed conditional use would permit the site to become group residence, limited, specifically a facility that provides peer group assistance for the recovery from drug and/or alcohol addiction based on and supported by a national organization, Oxford House. The average stay in such a residence is about a year, but many residents stay three, four, or more years. Based on this length of residency, the proposed facility's population is more transient in its nature, which would seem to be like the residency of multi-family development and not (as usually argued) a single-family neighborhood where the length of residency may be longer based on the ownership living on-site. Multi-Family residential and non-residential zoning would seem to be a more appropriate zoning for the proposed use. A neighborhood with a more diverse zoning pattern would also be a more appropriate neighborhood than the one the proposed site is located in.

- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2035 Wichita Future Growth Concept Map” shows the site and the area it is located in as “residential.” The residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle schools, churches, playgrounds, small parks and other similar residential- serving uses are located in these areas. The site is located outside of the established central area of Wichita.

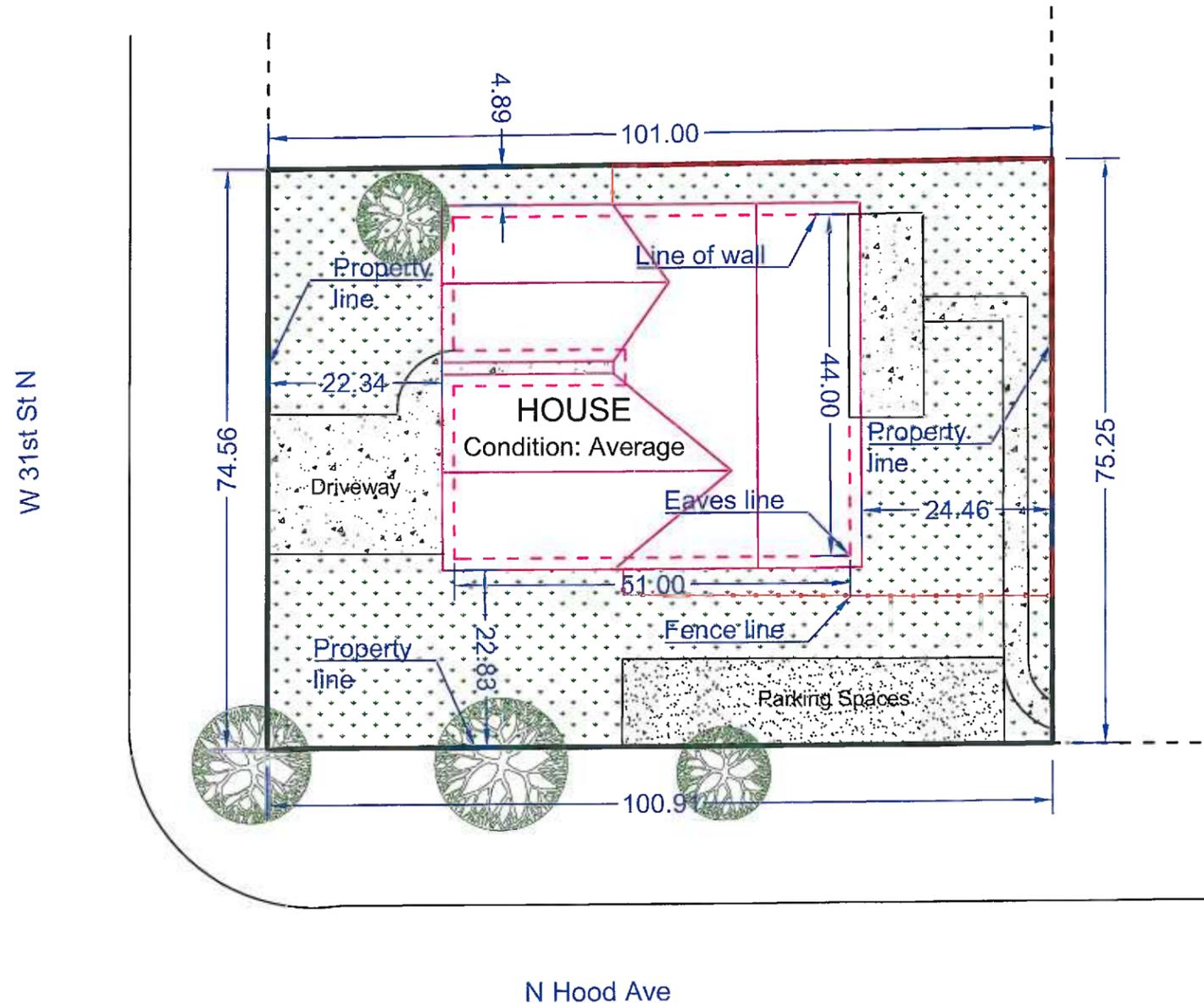
The UZC classifies a group residence, limited, as a residential use. The UZC requires consideration and approval of a conditional use to operate a group residence, limited, on the SF-5 zoned land.

- (5) **Impact of the proposed development on community facilities:** Approval of this request will have a minimal impact on community facilities.

However if the MAPC feels the conditional use is appropriate, staff recommends the following conditions, with the MAPC making findings for their approval:

- (1) The group residence, limited, is for a maximum of nine adult males for recovery from drug and alcohol addiction under the concept and affiliation of Oxford House, Inc.
- (2) Prior to occupancy the residence must be approved by the Wichita Fire Department, the Metropolitan Area Building and Construction Department and any other applicable federal, state and local standards.
- (3) The site will developed with an approved revised site plan. The site plan shall include, but not be limited to, an on-site paved parking area that conforms to the UZC’s parking standards for one parking space per resident. The site plan must be submitted for review within 30-days of approval by the appropriate governing body.
- (4) The applicant shall obtain all required federal, state, local and other applicable permits and inspections.
- (5) The site shall be developed as shown on the approved site plan, within 60 days of approval by the appropriate governing body or the conditional use shall be declared null and void.
- (6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

CON2016-38



Owner: METAL ARTS PROPERTIES LLC
 Address: 1055 W 31st St N
 Wichita, KS 67204
 Parcel #: 099-32-0-33-02-011.02
 Legal Desc: LOT 1 EXC E 60 FT
 SCHLENDER ADDITION
 Lot: 7,405 SF
 Floor size: 2,086 SF
 Scale 1"=20'

13. Case No.: CUP2016-00024 **(DEFERRED)**
Request: City CUP major amendment to DP-332 to expand the CUP land area and amend signage regulations.
General Location: At the northeast corner of Kellogg and West Street (608 24 S. West St.).
Presenting Planner: Scott Knebel